

EXHIBIT A

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 JOSEPH PASQUARELLO,

6 Plaintiff,

Case No.
21-cv-08732(JMF)

7 -against-

8 CROTHALL HEALTHCARE, INC. and
9 MICHAEL ROCHE,

10 Defendants.
11 -----X

12 VIDEOTAPED DEPOSITION OF JOSEPH PASQUARELLO

13 Taken Remotely

14 Friday, July 15, 2022

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23 Reported by

24 JEFFREY BENZ, CRR, RMR

25 JOB NO. 213687

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 July 15, 2022</p> <p>6 10:00 a.m.</p> <p>7</p> <p>8</p> <p>9 Videotaped Deposition of JOSEPH PASQUARELLO,</p> <p>10 taken remotely, before Jeffrey Benz, a Certified</p> <p>11 Realtime Reporter, Registered Merit Reporter and</p> <p>12 Notary Public of the State of New York.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 JOSEPH & KIRSCHENBAUM LLP</p> <p>5 Attorneys for Plaintiff</p> <p>6 32 Broadway</p> <p>7 New York, New York 10004</p> <p>8 BY: LEAH SELIGER, ESQ.</p> <p>9</p> <p>10 LITTLER MENDELSON P.C.</p> <p>11 Attorneys for Defendants</p> <p>12 900 Third Avenue</p> <p>13 New York, New York 10022</p> <p>14 BY: SHAWN CLARK, ESQ.</p> <p>15 ZACK SHARPE, IV, ESQ.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 MATTHEW PEREZ, Videographer</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1 Pasquarello</p> <p>2 THE VIDEOGRAPHER: Good morning. My</p> <p>3 name is Matthew Perez. I am a legal</p> <p>4 videographer in association with TSG</p> <p>5 Reporting Inc. Because this is a remote</p> <p>6 deposition, I will not be in the same room</p> <p>7 with the witness. Instead, I will record</p> <p>8 this videotape deposition remotely. The</p> <p>9 reporter, Jeff Benz, also will not be in</p> <p>10 the same room and will swear in the witness</p> <p>11 remotely.</p> <p>12 Do all parties stipulate to the</p> <p>13 validity of this video recording and remote</p> <p>14 swearing and that it will be admissible in</p> <p>15 the courtroom as if it had been taken</p> <p>16 following Rule 30 of the Federal Rules of</p> <p>17 Civil Procedures and the state rules where</p> <p>18 this case is pending?</p> <p>19 MR. CLARK: Yes, defendants' counsel</p> <p>20 so stipulates for defendants.</p> <p>21 MS. SELIGER: Yes, plaintiff's counsel</p> <p>22 so stipulates for plaintiff.</p> <p>23 THE VIDEOGRAPHER: Thank you.</p> <p>24 This is the start of Media labeled</p> <p>25 Number 1 of the video-recorded deposition</p>	<p style="text-align: right;">Page 5</p> <p>1 Pasquarello</p> <p>2 of Joseph Pasquarello in the matter of</p> <p>3 Joseph Pasquarello versus Crothall</p> <p>4 Healthcare Inc. and Michael Roche, in the</p> <p>5 United States District Court, Southern</p> <p>6 District of New York, Case Number</p> <p>7 21-cv-08732. This deposition is being held</p> <p>8 via Zoom on July 15, 2022, at approximately</p> <p>9 10:00 a.m.</p> <p>10 My name is Matthew Perez. I am the</p> <p>11 legal video specialist from TSG Reporting</p> <p>12 Inc., headquartered at 228 East</p> <p>13 45th Street, Suite 810, New York, New York.</p> <p>14 The court reporter is Jeff Benz, in</p> <p>15 association with TSG Reporting.</p> <p>16 Counsel, please introduce yourselves.</p> <p>17 MR. CLARK: Good morning. Shaun</p> <p>18 Clark, for defendants Crothall Health and</p> <p>19 Mike Roche.</p> <p>20 MS. SELIGER: Leah Seliger, with</p> <p>21 Joseph & Kirschenbaum, for plaintiff,</p> <p>22 Joseph Pasquarello.</p> <p>23 MR. SHARPE: And Zack Sharpe, also for</p> <p>24 defendant.</p> <p>25 THE VIDEOGRAPHER: Thank you. Will</p>

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2 the court reporter please swear in the

3 witness.

4 JOSEPH PASQUARELLO,

5 called as a witness, having been first

6 duly sworn by Jeffrey Benz, a Notary

7 Public within and for the State of New

8 York, was examined and testified as

9 follows:

10 EXAMINATION BY MR. CLARK:

11 Q. Okay. Good morning, Mr. Pasquarello.

12 I believe we've met before, but let me

13 reintroduce myself. My name is Shaun Clark,

14 and, as you know, I am counsel for Crothall

15 Health and Mike Roche in a lawsuit brought by

16 you.

17 I'm going to be asking you a series of

18 questions today about your allegations in this

19 lawsuit. You understand that?

20 A. Yes.

21 Q. You've been deposed before, right?

22 A. Yes.

23 Q. How many times?

24 A. I don't know exactly, but a half a

25 dozen is a safe bet.

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2 A. One.

3 Q. And what was the name of that case?

4 A. It was a tenant below me versus me and

5 the insurance company. I don't recall the exact

6 name of the tenant.

7 Q. Do you know what the nature of the

8 claims were? I'm sorry. Go ahead.

9 A. I own -- I own a rental property, and

10 there was a leak in the wall that caused damage

11 to the apartment below. And they sued,

12 obviously, myself and the insurance company, and

13 it was ultimately settled with the insurance

14 company.

15 Q. Have you been a party to any other

16 lawsuits, other than that landlord-tenant action

17 that you just told me about?

18 A. There was one over -- I believe it was

19 over ten years ago that involved the -- an

20 allegation of harassment when I was a Boy Scout

21 leader.

22 Q. And you were a party in that action?

23 A. I was.

24 Q. As a plaintiff or a defendant?

25 A. Defendant.

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2 Q. When was the last time you were

3 deposed?

4 A. I would say approximately -- other

5 than in -- in court, about five years ago. I

6 was a witness to the termination of some

7 employees about two to three years ago. I don't

8 know if that's an actual deposition.

9 Q. Yeah. When you say you were "a

10 witness to termination of some employees," what

11 do you mean by that?

12 A. A couple of the fire marshals that

13 were disciplined and ultimately terminated, I

14 presented the case to human resources, and they

15 questioned me on it.

16 Q. Were you sworn under oath in that

17 questioning with human resources?

18 A. Yes.

19 Q. In the half dozen or so depositions

20 that you've had, were you a party in any

21 lawsuit?

22 A. Yes.

23 Q. All right. Of the half dozen

24 depositions that you had, how many of those were

25 for a lawsuit in which you were a party?

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2 Q. The allegation of harassment, was it

3 against you?

4 A. It was -- yes, me and the Boy Scouts

5 of America.

6 Q. And what specifically was the

7 allegations against you?

8 A. It was harassment. We had an argument

9 at camp.

10 Q. How did that case resolve?

11 A. The defendants -- well, I am the

12 defendant. The plaintiff never brought it after

13 depositions.

14 Q. So the plaintiff stopped pursuing his

15 or her claims?

16 A. Yes.

17 Q. Do you know what the plaintiff's name

18 was in that case?

19 A. Rothenberg, I believe.

20 Q. Can you spell that for me?

21 A. It would be a total guess. I would

22 probably butcher it.

23 Q. Give me your best guess, if you can.

24 I won't hold you to it.

25 A. R-O-T-H-E-N-B-E-R-G, maybe.

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2 Q. Okay. Any other lawsuits in which you

3 were a party that you haven't already told me

4 about?

5 A. No, that's it.

6 Q. Okay. So I know you've been deposed

7 before. I know you've been a party to a lawsuit

8 before. But I still want to go over some ground

9 rules for today's deposition, which may sound

10 familiar to you and they may not. I think it

11 would be helpful to go over it and make all of

12 our lives easier today.

13 A. Okay.

14 Q. So to start, you've been placed under

15 oath by the court reporter. You understand

16 that?

17 A. Yes.

18 Q. And do you understand that's the same

19 oath that you would take if you were testifying

20 before a judge or a jury in court?

21 A. Yes.

22 Q. That oath requires you to answer my

23 questions fully, truthfully, and accurately. Do

24 you understand that?

25 A. Yes.

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2 Q. If you do not ask me to rephrase or

3 restate it, I'll assume you understood my

4 question, and I'll expect that you'll give me a

5 verbal answer. Do you understand that?

6 A. Yes.

7 Q. Okay. This is not a marathon. If at

8 any time today you need a break, please just let

9 me know. If there is a question pending, I'll

10 ask that you answer that question, or maybe a

11 series of a few questions so we can wrap that

12 up, and then I'll be happy to give you whatever

13 break you need to use the restroom, get water,

14 or whatever you need to do. Do you understand

15 that?

16 A. Yes.

17 Q. Okay. This is a remote deposition.

18 We're not in the same room today. So where are

19 you right now?

20 A. I have a high ranch, so I'm on the

21 first level of my home.

22 Q. Is anybody else there in the room with

23 you?

24 A. No. My wife was here, but she went

25 outside in the yard.

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2 Q. You are doing well so far, but today

3 I'm going to ask that you give me verbal answers

4 to my questions. You'll see the court reporter

5 is here with us and taking down every word that

6 we say here, but he cannot take down gestures or

7 nods or waves or any kind of nonverbal answer.

8 So in response to my question, please give a

9 verbal answer. Do you understand that?

10 A. Understood.

11 Q. And, again, you're doing well on this

12 today. I'm sure at some point one of us or both

13 of us will mess this up but we should talk one

14 at a time so that the court reporter can take

15 down the full question, then the full answer.

16 So I will do my best to pause after my

17 question to let you answer and pause before

18 beginning my next question, and I'll ask that

19 you allow me to finish my question before

20 starting your answer. Can we agree to that?

21 A. Yes.

22 Q. If at any point you do not understand

23 a question or you did not hear a question, will

24 you ask me to rephrase it or restate it?

25 A. Yes.

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2 Q. And what kind of device are you using

3 to appear for today's virtual deposition?

4 A. My laptop computer.

5 Q. Other than the Zoom window for this

6 deposition, do you have any other windows or

7 applications open on your computer?

8 A. Just the email that I linked into the

9 Zoom link.

10 Q. Okay. I'm going to ask you to close

11 that email and any email program you might have

12 open in the background.

13 A. They should all be closed.

14 Q. Okay. Do you have any notes,

15 notebooks, or printouts in front of you on your

16 desk?

17 A. No.

18 Q. Any other devices with you in the

19 room, other than the laptop computer that you're

20 currently appearing on?

21 A. I have my cell phone on -- on silent.

22 If you want, I can put it in another room.

23 Q. It's fine for you to leave it there.

24 I'm going to leave mine here just in case of

25 emergency. But it is important, since you are

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2 testifying under oath, that you not communicate

3 with anybody during your testimony. Do you

4 understand that?

5 A. I do.

6 Q. Are you aware of any reason that might

7 impair or prevent you from testifying truthfully

8 and accurately today?

9 A. No.

10 Q. Do you suffer from any condition,

11 either mental or physical, that might impair

12 your ability to answer my questions?

13 A. No.

14 Q. Do you suffer from any condition,

15 either mental or physical, that might impair

16 your ability to hear my questions?

17 A. No.

18 Q. Have you taken any medications,

19 prescription or otherwise, in the last 24 hours

20 that would inhibit your ability to testify

21 today?

22 A. No.

23 Q. Were there any medications that you

24 were supposed to take in the last 24 hours that

25 you did not take?

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2 A. There were letters that I sent in

3 response to the PIP and my formal complaints of

4 age discrimination before the PIP.

5 Q. How many letters in total did you

6 review in preparation for today's deposition?

7 A. Three.

8 Q. Okay. Can you describe each of those

9 letters for me?

10 A. First one was a letter to Patty

11 Lizarazo, she was the HR representative for our

12 team, when I made the complaint of age

13 discrimination. Then I received -- right after

14 making that complaint, the next day I was

15 written up for missing items that -- which I'm

16 sure we're going to get into, and then a PIP

17 followed. I answered each of the points in that

18 PIP in another letter.

19 After that was taken care of, I don't

20 remember the exact date, I wrote another letter

21 following up on -- on that. And then I was

22 given the second write-up after that letter.

23 Q. That second letter you referred to, to

24 whom was that addressed?

25 A. I don't recall exactly. It was

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2 A. No.

3 Q. Did you prepare for today's

4 deposition?

5 A. A little bit, yes.

6 Q. What did you do to prepare for today's

7 deposition?

8 A. I reviewed the -- the allegations in

9 the PIP, my answers to Crothall and

10 Ms. Lizarazo, and then I spoke with my attorney.

11 Q. Okay. You said you reviewed the

12 allegations in the PIP? Is that a specific

13 document you're referring to?

14 A. Yes.

15 Q. What is that document you're referring

16 to that has the allegations in the PIP?

17 A. It -- it was the write-up that

18 Mr. Roche gave me about my performance.

19 Q. Is that the June 1 performance

20 improvement plan?

21 A. I'm not going to recall exact dates.

22 I will try, but I believe it was that date, yes.

23 Q. And then you said you reviewed your

24 answers to Crothall. Is that a specific

25 document?

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2 probably Chris Hariegal, Bob Shaffer, and Patty

3 Lizarazo. There might have been a third one.

4 I'm -- I'm not sure who I addressed them to. I

5 guess I should have studied it a little more.

6 THE COURT REPORTER: I didn't -- I

7 guess I should what, Mr. Pasquarello? I

8 didn't hear.

9 A. I didn't read the headings as much as

10 I read the body.

11 Q. Did you review any other documents,

12 other than the documents we've already talked

13 about, in preparation for today's deposition?

14 A. No.

15 Q. Other than speaking with your

16 attorney, did you speak with anybody else about

17 today's deposition?

18 A. No.

19 Q. When did you speak with your attorney

20 about today's deposition?

21 Strike that. Let me ask that

22 differently.

23 When you -- when I asked if you did

24 anything to prepare for today's deposition, you

25 said you met with your attorney; is that right?

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2 A. Via phone call.

3 Q. Okay. When was that call?

4 MS. SELIGER: Objection.

5 You can answer.

6 A. It was the day before yesterday, I

7 believe, as the prep. But I'm -- I'm in touch

8 with my attorney, and whenever I have a

9 question, I'll call her, so it's a regular

10 basis.

11 Q. The call you had approximately the day

12 before yesterday, who was on the phone? Without

13 telling me what was said, I just want to know

14 who was on the phone.

15 A. Myself and Leah.

16 Q. And for how long did you and

17 Ms. Seliger speak the day before yesterday in

18 preparation for today's deposition?

19 A. I think it was about a half an hour.

20 Q. The documents we talked about a moment

21 ago, the three letters and the performance

22 improvement plan, did those documents, when you

23 reviewed them, refresh your recollection about

24 events that occurred or allegations that you've

25 made in this lawsuit?

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2 A. No, just my lawyer.

3 Q. Since you separated from your

4 employment with Crothall in 2021, have you

5 spoken with any of your former colleagues at

6 Crothall?

7 A. I have.

8 Q. Who have you spoken with?

9 A. I spoke with Ron Kanterman a couple of

10 times. I've spoken with Omelfi Garcia a couple

11 of times. I have had other employees apply for

12 positions at my new position, so I've spoken to

13 them a couple of times.

14 There's a couple of marshals that have

15 called me from time to time to say hello and how

16 am I. So to give names, Strudy Yulfo applied

17 for a position with me. Terry Calendar applied

18 for a position with me.

19 One of the -- I'm sorry. I'm drawing

20 a blank on another young man who I hired and

21 tries to keep in touch from time to time. I --

22 it will probably come to me before the end of

23 this. I'm just drawing a blank on his name.

24 Q. If at some point it comes to you, feel

25 free to interject that.

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2 MS. SELIGER: Objection.

3 A. Yeah.

4 MS. SELIGER: You can answer.

5 Counsel, can I just --

6 A. Yeah, I'm sorry. I said yes as you

7 objected, so I thought it was on the record.

8 But, yes.

9 MS. SELIGER: Can I just let the --

10 the deponent know that I'm going to be

11 saying objections. Unless I instruct you

12 not to answer, you still answer. And I

13 understand we were speaking at the same

14 time but --

15 THE WITNESS: Thank you.

16 Q. I don't recall if I asked you this

17 before, so I'm sorry if I have, but did you

18 discuss the fact that you were appearing for

19 today's deposition with anyone, other than your

20 lawyer and your wife?

21 A. Well, my wife knew I was going to be

22 deposed today, but I didn't discuss the

23 deposition, though.

24 Q. Okay. Did you discuss the deposition

25 with anyone, other than your lawyer?

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2 A. I will.

3 Q. How many times have you spoken with

4 Mr. Kanterman since separating from your

5 employment with Crothall?

6 A. Maybe a half a dozen, again, would be

7 a safe bet. I don't know exactly how many.

8 Q. Have you discussed this case with

9 Mr. Kanterman?

10 A. Only once when I asked if he would

11 talk to my lawyer.

12 Q. When was that?

13 A. Almost a year ago.

14 Q. And what did you say about this case

15 during that discussion with Mr. Kanterman when

16 you asked him to speak with your lawyer?

17 A. If my lawyer would -- if he would

18 allow her to give him a call and just please

19 tell the truth as what happened at Crothall.

20 Q. Did you tell him anything about the

21 allegations that you're making in this lawsuit?

22 A. I -- I may have told him it was age

23 discrimination, but not -- no further details.

24 I didn't go into details with it, because I

25 figured, let it be fresh, Leah's questions to

<p style="text-align: right;">Page 22</p> <p>1 Pasquarello</p> <p>2 him and his answers to her without my influence.</p> <p>3 Q. Is that the only conversation you had</p> <p>4 with Mr. Kanterman about this case?</p> <p>5 A. That I -- yes, I believe that was the</p> <p>6 only one about the case.</p> <p>7 Q. How many times have you spoken with</p> <p>8 Omelfi Garcia since you separated from your</p> <p>9 employment with Crothall?</p> <p>10 A. Maybe two or three times.</p> <p>11 Q. Have you spoken with Ms. Garcia about</p> <p>12 this case?</p> <p>13 A. One conversation about the case when</p> <p>14 she called me and said that Mike Roche had</p> <p>15 called her and what was going on. So I told</p> <p>16 her, you know, what was going on. And I says,</p> <p>17 Listen, if they call you as a witness or -- call</p> <p>18 you as a witness, just be truthful, and tell</p> <p>19 what you know.</p> <p>20 Q. What did you tell Ms. Garcia about</p> <p>21 what was going on?</p> <p>22 A. Just that I brought a suit against</p> <p>23 Crothall and Michael for age discrimination.</p> <p>24 Q. Did you tell her anything else about</p> <p>25 this case in that conversation?</p>	<p style="text-align: right;">Page 23</p> <p>1 Pasquarello</p> <p>2 A. No. Omelfi is not the type that wants</p> <p>3 to be involved in anything, so I just gave her</p> <p>4 the -- the fact and that was it. It was a very</p> <p>5 short conversation.</p> <p>6 Q. Did you ask her to be a witness in</p> <p>7 this lawsuit?</p> <p>8 A. I asked her if she was to be a</p> <p>9 witness, no matter which side called her, just</p> <p>10 please tell the truth. I didn't specifically</p> <p>11 ask her to be mine, but I know that the truth</p> <p>12 was on my side, so I did tell Leah she would be</p> <p>13 a good witness for us. And if she was called by</p> <p>14 you, that would be fine, too.</p> <p>15 Q. Did you ask Ms. Garcia to speak with</p> <p>16 your lawyer at any point since you separated</p> <p>17 from your employment with Crothall?</p> <p>18 A. I asked if she would be willing to</p> <p>19 take the phone call, yes.</p> <p>20 Q. What was her response?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know if your lawyer and</p> <p>23 Ms. Garcia connected?</p> <p>24 A. I know they connected via email. I</p> <p>25 don't remember if they spoke. Sorry, Leah,</p>
<p style="text-align: right;">Page 24</p> <p>1 Pasquarello</p> <p>2 maybe -- but I don't recall them speaking.</p> <p>3 Q. Have you spoken about this case with</p> <p>4 any of the other individuals, the marshals and</p> <p>5 other individuals with whom you've had contact</p> <p>6 since separating from your employment with</p> <p>7 Crothall?</p> <p>8 A. No.</p> <p>9 Q. Have you ever been convicted of a</p> <p>10 crime?</p> <p>11 A. No.</p> <p>12 Q. Have you ever been arrested?</p> <p>13 A. No.</p> <p>14 Q. Other than with respect to your</p> <p>15 allegations in this case, have you ever filed a</p> <p>16 complaint of discrimination with the EEOC, the</p> <p>17 New York State Division of Human Rights, or the</p> <p>18 New York City Commission on Human Rights?</p> <p>19 A. No.</p> <p>20 Q. Have you ever sought unemployment</p> <p>21 insurance?</p> <p>22 A. No. I was a victim of insurance fraud</p> <p>23 at one point. Michael told me that he --</p> <p>24 they -- a filing that I had filed for</p> <p>25 unemployment but it was fraudulent, and that</p>	<p style="text-align: right;">Page 25</p> <p>1 Pasquarello</p> <p>2 caused me to have to freeze my -- like, what do</p> <p>3 they call them? My credit rating services. So</p> <p>4 I did that in response to identity fraud or</p> <p>5 theft.</p> <p>6 But to answer your question, no, I</p> <p>7 never filed for unemployment.</p> <p>8 Q. Since separating from your employment</p> <p>9 with Crothall, have you had any period of</p> <p>10 unemployment between that day and today?</p> <p>11 A. No, I didn't -- I had a job offer</p> <p>12 written when I left Crothall, and I went on</p> <p>13 vacation for a week. But other than that, I</p> <p>14 wasn't unemployed. I went from one position to</p> <p>15 another.</p> <p>16 Q. How old are you?</p> <p>17 A. Fifty-six.</p> <p>18 Q. And what year were you born?</p> <p>19 A. 1965.</p> <p>20 Q. Are you currently employed?</p> <p>21 A. Yes.</p> <p>22 Q. By whom?</p> <p>23 A. Columbia University in the City of</p> <p>24 New York.</p> <p>25 Q. When did you begin that position?</p>

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2 A. I believe it was last -- it was

3 October.

4 Q. Do you happen to know the exact date

5 on which you started in October of 2021?

6 A. Might have been -- no. It was, like,

7 after the -- it was probably the second week of

8 October because my daughter was married the

9 first week and that was the week I took off, and

10 then I started work. So it was some time the

11 second week of October, so I don't remember the

12 exact date.

13 Q. What's your current position at

14 Columbia University?

15 A. I was recently promoted to full

16 director of the department.

17 Q. When were you promoted?

18 A. The promotion date is the 14th. I --

19 I started my duties last Monday.

20 Q. You say "the promotion date is the

21 14th." You're referring to July 14th,

22 yesterday?

23 A. No. So I guess it's a month. They --

24 they backdated the promotion because there was

25 some -- they -- I'll make it clear for you. I

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2 Q. Between October 2021 and June 14,

3 2022, did your title change?

4 A. Say it again? I'm sorry.

5 Q. Sure.

6 Between October and June 14 of 2022,

7 did your title change from manager of the

8 Manhattanville campus?

9 A. Yes, it did.

10 Q. Okay.

11 A. It changed to director of --

12 university-wide. I'm also the -- I was also

13 just told I have all their real estate holdings,

14 too, I'm responsible for. So that -- that's

15 another thing we're going to start working on

16 next week, because that totals now well over a

17 hundred additional buildings that I would be

18 responsible for.

19 Q. Let me make sure I understand your

20 testimony about your titles. When is the first

21 time your title changed after you began your

22 employment in October of 2021?

23 A. My title changed last Monday to full

24 director. I didn't know at the time -- well,

25 they told me that day that they backdated my

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2 wasn't there a year. I'm only there six to

3 eight months. They -- they offered me the

4 position. HR has a rule that if you're not

5 there for a full year, you can't be promoted.

6 The -- the vice president and the

7 assistant vice president and the vice president

8 in HR all wrote letters for a waiver. That went

9 through the process. They approved the waiver.

10 They gave me the position of full director

11 after, you know, being vouched for by the senior

12 leadership of the department.

13 And so what they did was they

14 backdated my promotion to when that process

15 started, which would have been last month on the

16 14th. So it would have been June 14, but I

17 actually started -- you know, they gave me my

18 new office and -- and started to meet my new

19 staff, get familiar with the new buildings and

20 everything last week.

21 Q. What was your title when you started

22 at Columbia University in October?

23 A. I was the manager of the

24 Manhattanville campus, manager of fire safety

25 for Manhattanville campus.

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1 Pasquarello

2 title to the 14th of last month.

3 Q. So you're in your second title at

4 Columbia University; is that right?

5 A. I am.

6 Q. Okay. What was your starting salary

7 when you were in the manager title?

8 A. A hundred thousand.

9 Q. And have you received increases for

10 that starting salary?

11 A. I have, and that was also one of the

12 things that was being discussed and negotiated.

13 Because going along with that year before you

14 could be promoted, they wouldn't increase my

15 salary more than 50 percent. So that -- that's

16 what they gave me, a 50 percent increase.

17 Q. So when was the first time you got an

18 increase from your salary of a hundred thousand

19 at Columbia University?

20 A. June 14.

21 Q. And what was your salary increased to?

22 A. 150,000.

23 Q. Is that your current salary as of

24 today?

25 A. Yes.

<p style="text-align: right;">Page 30</p> <p>1 Pasquarello</p> <p>2 Q. What are your job duties in your</p> <p>3 current position?</p> <p>4 A. My job duties are to manage the staff</p> <p>5 of our fire safety offices and my managers in</p> <p>6 the fire safety department. I manage a man -- I</p> <p>7 supervise a manager of fire systems and his crew</p> <p>8 now falls under me, so I have all my own</p> <p>9 mechanics that are in-house for -- for the alarm</p> <p>10 systems and the suppression systems.</p> <p>11 I also do the vendor management. I</p> <p>12 take care of any negotiations for payrolls, you</p> <p>13 know, their -- their salary increases, and</p> <p>14 things like that. Typical, you know, director</p> <p>15 management position.</p> <p>16 Q. Any other duties in that role as</p> <p>17 director that you haven't already told me about?</p> <p>18 A. If you say subject matter expert,</p> <p>19 that -- that's also my -- one of the primary</p> <p>20 parts of the role is to be the subject matter</p> <p>21 expert, whenever anything was going on that</p> <p>22 would involve fire safety or life safety</p> <p>23 throughout the -- the institution.</p> <p>24 Q. Okay. And any other duties in</p> <p>25 addition to what you've already told me?</p>	<p style="text-align: right;">Page 31</p> <p>1 Pasquarello</p> <p>2 A. I'm sure I do a lot more than I'm</p> <p>3 saying, but off the top of my head, those are</p> <p>4 the ones that I'm coming up with that are, I</p> <p>5 guess, the most prevalent.</p> <p>6 Q. Have you held any other employment,</p> <p>7 other than Columbia University, since you</p> <p>8 separated from your employment with Crothall?</p> <p>9 A. No.</p> <p>10 Q. Have you had any other sources of</p> <p>11 income, other than your salary from Columbia</p> <p>12 University, since June of 2021?</p> <p>13 I'm sorry. Strike that. Let me ask</p> <p>14 that question -- I got the date wrong. Let me</p> <p>15 ask that question better.</p> <p>16 Have you had any other sources of</p> <p>17 income since your separation from Crothall in</p> <p>18 September 2021?</p> <p>19 A. It -- your date wouldn't make a</p> <p>20 difference. I do have other sources of income.</p> <p>21 Q. Okay. What are those sources of</p> <p>22 income?</p> <p>23 A. I have my pension from the New York</p> <p>24 City Fire Department, and I have rental</p> <p>25 properties.</p>
<p style="text-align: right;">Page 32</p> <p>1 Pasquarello</p> <p>2 Q. Any other sources of income?</p> <p>3 A. I hold other licenses, but I don't</p> <p>4 pursue work with them, so, no, that's my only</p> <p>5 steady source of income.</p> <p>6 Q. Have you on occasion served as an</p> <p>7 expert witness in litigation?</p> <p>8 A. Yes.</p> <p>9 Q. When is the last time you did that?</p> <p>10 A. That was probably the -- the last</p> <p>11 deposition you mentioned, what did I say, it was</p> <p>12 about five years ago, maybe, and -- and</p> <p>13 that's -- that's just an estimate.</p> <p>14 Q. Since 2021, have you derived any</p> <p>15 income from serving as an expert?</p> <p>16 A. No, that's what I re -- that's what I</p> <p>17 was referring to when I said I hold other</p> <p>18 licenses, but I don't pursue anything, so, no.</p> <p>19 There -- there's still cases that could pop up,</p> <p>20 you know how it is, you know better than me, the</p> <p>21 statute of limitations, but nothing has come up</p> <p>22 since, no.</p> <p>23 Q. Where did you work immediately prior</p> <p>24 to working for Crothall?</p> <p>25 A. Memorial -- Memorial Sloan Kettering.</p>	<p style="text-align: right;">Page 33</p> <p>1 Pasquarello</p> <p>2 Q. And what was your last position there</p> <p>3 at Memorial Sloan Kettering?</p> <p>4 A. I was a manager of fire safety but</p> <p>5 my -- they had split fire safety into two</p> <p>6 positions there. I managed operations and the</p> <p>7 staff, and there was a colleague that managed</p> <p>8 the systems, which would be the fire alarms,</p> <p>9 fire suppression.</p> <p>10 Q. For how long did you work at Memorial</p> <p>11 Sloan Kettering?</p> <p>12 A. I think it was about a year.</p> <p>13 Q. Were you the manager of fire safety</p> <p>14 for that entire approximately one year?</p> <p>15 A. Yes.</p> <p>16 Q. Why did you leave?</p> <p>17 A. Crothall recruited me.</p> <p>18 Q. How much were you making at Memorial</p> <p>19 Sloan Kettering when you left your employment</p> <p>20 there?</p> <p>21 A. It was 112-. Say between 100- and</p> <p>22 115-. I don't remember the exact salary. It</p> <p>23 was very comparable pay with Crothall. I -- I</p> <p>24 didn't lose money by going there. I didn't</p> <p>25 really gain much. So I don't remember the exact</p>

<p style="text-align: right;">Page 34</p> <p>1 Pasquarello</p> <p>2 numbers.</p> <p>3 Q. Was Crothall a better opportunity than</p> <p>4 the Memorial Sloan Kettering job you had?</p> <p>5 A. Well, Crothall recruited me. The</p> <p>6 first phone calls were revolving around going</p> <p>7 there to be a manager, and that was a question</p> <p>8 mark for me, to be honest with you. I didn't</p> <p>9 know if I was going to leave, you know, the</p> <p>10 prestige of Memorial Sloan Kettering for -- for</p> <p>11 Mount Sinai and Crothall. Although, you know,</p> <p>12 Mount Sinai is a very prestigious hospital as</p> <p>13 well, just not in the same league as Sloan</p> <p>14 Kettering, in my opinion.</p> <p>15 But with that said, during my</p> <p>16 interview process and after meeting with</p> <p>17 Ms. Lamb, Patricia Lamb, I was offered an</p> <p>18 assistant director position so it -- yeah, it</p> <p>19 was -- I took the position more for -- for title</p> <p>20 and career advancement in the future than I did</p> <p>21 for any type of immediate financial gains at the</p> <p>22 present.</p> <p>23 Q. When was your first day of employment</p> <p>24 with Crothall?</p> <p>25 A. I -- it -- I don't remember. I think</p>	<p style="text-align: right;">Page 35</p> <p>1 Pasquarello</p> <p>2 it was the month of October also, but that --</p> <p>3 that's -- at this point it's a guess.</p> <p>4 Q. Do you recall the year in which you</p> <p>5 started at Crothall?</p> <p>6 A. It was '19.</p> <p>7 Q. So approximately October of 2019 is</p> <p>8 when you started there?</p> <p>9 A. Yeah, I believe so.</p> <p>10 Q. And what was your title when you</p> <p>11 commenced your employment with Crothall?</p> <p>12 A. Assistant director of fire safety.</p> <p>13 Q. Who was your supervisor while you were</p> <p>14 at Crothall?</p> <p>15 A. Michael Roche.</p> <p>16 Q. Was he your supervisor for the entire</p> <p>17 period of your employment there?</p> <p>18 A. Yes.</p> <p>19 Q. What was his title?</p> <p>20 A. Senior director of engineering.</p> <p>21 Q. Did you have any other supervisors</p> <p>22 during your employment, other than Mr. Roche?</p> <p>23 A. It came to -- known that, no, I</p> <p>24 didn't, but I had thought Bob Shaffer was also</p> <p>25 some sort of management to my role, but it</p>
<p style="text-align: right;">Page 36</p> <p>1 Pasquarello</p> <p>2 turned out he wasn't. Those were his words,</p> <p>3 that he wasn't. I believe he was.</p> <p>4 Q. What was Mr. Shaffer's title?</p> <p>5 A. I believe he's a director of systems,</p> <p>6 operations, or something like that. He -- he</p> <p>7 audits and works behind the scenes and it is</p> <p>8 company-wide is my understanding.</p> <p>9 Q. Why did you think that Mr. Shaffer was</p> <p>10 your supervisor?</p> <p>11 A. He has that air about him, as if he's</p> <p>12 everybody's boss. He's -- that's just the way</p> <p>13 he is. I'm not saying good or bad. That's just</p> <p>14 Bob.</p> <p>15 Q. And how did you learn that, in fact,</p> <p>16 he wasn't your supervisor?</p> <p>17 A. When I came to him with my allegation</p> <p>18 of this unfair treatment by Michael and age</p> <p>19 discrimination, he says, Well, he's your boss,</p> <p>20 work it out with him. And that's when I said to</p> <p>21 him, I said, I thought you were our boss. And</p> <p>22 he's, like, No, no, no. And I was, like, All</p> <p>23 right. You live and learn.</p> <p>24 Q. When did that conversation take place?</p> <p>25 A. It was early in 2021, so I would say</p>	<p style="text-align: right;">Page 37</p> <p>1 Pasquarello</p> <p>2 that was right around -- between January and</p> <p>3 February. I don't recall exactly when but I</p> <p>4 would say around January, February. Maybe even</p> <p>5 December, give -- give or take. It was within</p> <p>6 the beginning of the year, if you will.</p> <p>7 Q. Was that an in-person conversation or</p> <p>8 by phone or email, or something else?</p> <p>9 A. That one might have been by phone.</p> <p>10 Q. Was anybody else on the phone with you</p> <p>11 during that conversation?</p> <p>12 A. No. It would have just been me and</p> <p>13 Bob.</p> <p>14 Q. Did you call him, or did he call you?</p> <p>15 A. I called him, I believe.</p> <p>16 Q. During your employment at Crothall did</p> <p>17 you supervise any employees?</p> <p>18 A. Yes.</p> <p>19 Q. How many employees did you supervise</p> <p>20 during your entire period of employment?</p> <p>21 A. The marshal staff it fluctuated but up</p> <p>22 to 18 or 20, I believe. And then there was the</p> <p>23 managers, whenever we had managers, so it was</p> <p>24 either one or two at a time. So I would say</p> <p>25 roughly 20 employees I managed. And then, if</p>

<p style="text-align: right;">Page 38</p> <p>1 Pasquarello</p> <p>2 you consider managing vendors, I -- I also</p> <p>3 managed, you know, nonemployees, but they did</p> <p>4 work for us.</p> <p>5 Q. Can you give me the names of the</p> <p>6 individuals who served in the manager role who</p> <p>7 reported to you?</p> <p>8 A. It started -- I had two managers,</p> <p>9 Joseph Jerrain and Matt Bond. Joe Jerrain was</p> <p>10 transferred out within two to three months of me</p> <p>11 starting, maybe four months of me starting, and</p> <p>12 then it was just Matt Bond. Then about a year</p> <p>13 after Joe Jerrain left, Ronald Kanterman came</p> <p>14 in. I managed him.</p> <p>15 And then as soon as Ron came, about a</p> <p>16 month later Matt left, and Omelfi Garcia came to</p> <p>17 the department. She there -- she was only there</p> <p>18 about a total of three months, but in that</p> <p>19 entire time you could say she was under my</p> <p>20 management, but she was being pushed in so many</p> <p>21 different directions it was -- it was very</p> <p>22 difficult for her. But she -- she was in my</p> <p>23 department for her last three months at</p> <p>24 Crothall.</p> <p>25 Q. Were there any other managers that</p>	<p style="text-align: right;">Page 39</p> <p>1 Pasquarello</p> <p>2 reported to you, other than Jerrain, Bond,</p> <p>3 Kanterman, and Garcia?</p> <p>4 A. No.</p> <p>5 Q. How did you learn about the job at</p> <p>6 Crothall?</p> <p>7 A. They called me. I forget the woman's</p> <p>8 name but it -- it was one of the Crothall</p> <p>9 recruiters that reached out to me on LinkedIn,</p> <p>10 and then we had a conversation on the phone.</p> <p>11 The -- the -- I believe the -- the</p> <p>12 LinkedIn reach out was something like, Would you</p> <p>13 be interested in a position? And -- sure. I</p> <p>14 mean, you know, never want to limit your</p> <p>15 opportunities so I took the call.</p> <p>16 Q. Did you ultimately submit a resume or</p> <p>17 an application for a position at Crothall?</p> <p>18 A. I'm -- I'm sure I did.</p> <p>19 Q. Do you recall to whom you submitted</p> <p>20 that resume or application?</p> <p>21 A. I think it was web based.</p> <p>22 Q. Were you interviewed for a position at</p> <p>23 Crothall?</p> <p>24 A. Many interviews, yeah.</p> <p>25 Q. Who interviewed you?</p>
<p style="text-align: right;">Page 40</p> <p>1 Pasquarello</p> <p>2 A. I had the -- the first series of</p> <p>3 interviews were over the phone with the</p> <p>4 recruiter. Then I had a phone interview with</p> <p>5 Michael and someone else, I don't recall who was</p> <p>6 with him -- actually I don't remember if I even</p> <p>7 ever got the name but it was him and someone</p> <p>8 else talking to me.</p> <p>9 Then at that point I was asked to come</p> <p>10 in and have a face-to-face interview. I did</p> <p>11 that with Michael. From that point I was asked</p> <p>12 to come back and meet with Pat Lamb, from the</p> <p>13 hospital. She -- she's the client, if you will.</p> <p>14 I interviewed with Pat. That was the point</p> <p>15 where the position changed from manager to</p> <p>16 assistant director.</p> <p>17 And Pat asked me to interview one last</p> <p>18 time with Bob Shaffer, and that's where the</p> <p>19 impression that Bob Shaffer was, you know, a</p> <p>20 boss, if you will, is when he and Pat Lamb had</p> <p>21 the final say as to if I was being hired or not,</p> <p>22 so that's why I assumed Bob was the boss.</p> <p>23 Q. You referred to a Michael in your</p> <p>24 answer, a phone meeting with Michael and a</p> <p>25 face-to-face meeting with Michael. Is that</p>	<p style="text-align: right;">Page 41</p> <p>1 Pasquarello</p> <p>2 Mike --</p> <p>3 A. Roche.</p> <p>4 Q. -- Roche?</p> <p>5 A. I'm sorry I interrupted. Yes, that</p> <p>6 was Mike Roche.</p> <p>7 Q. You were ultimately offered a position</p> <p>8 at Crothall, right?</p> <p>9 A. Yes.</p> <p>10 Q. Who offered you that position?</p> <p>11 A. I believe that position offered was</p> <p>12 from Pat Lamb and Bob Shaffer.</p> <p>13 Q. How -- strike that.</p> <p>14 In what manner did Bob and Pat make</p> <p>15 you that offer?</p> <p>16 A. Pat said, Everything looks good. I</p> <p>17 would like to have you aboard but I need you to</p> <p>18 talk with Bob first and get his opinion. Bob</p> <p>19 actually came to my home to interview me, and it</p> <p>20 was very -- I wouldn't say it was a formal</p> <p>21 interview at all. We sat down, had a cup of</p> <p>22 coffee, spoke a little bit.</p> <p>23 He said, Pat told me to come meet you.</p> <p>24 You never lied to her so here I am meeting you.</p> <p>25 You've got my full endorsement. Welcome aboard.</p>

<p style="text-align: right;">Page 42</p> <p>1 Pasquarello</p> <p>2 Make sure you get parking as part of your</p> <p>3 package. That was our exact conversation.</p> <p>4 Coffee, we spoke a little bit about the fire</p> <p>5 department, and he left.</p> <p>6 Q. Did Mr. Shaffer offer you a position</p> <p>7 in that conversation at your house?</p> <p>8 A. At that point I knew that I -- yes, I</p> <p>9 knew I was getting the position at that point.</p> <p>10 He said, Welcome aboard. And he would talk to</p> <p>11 Pat.</p> <p>12 Q. Prior to that conversation with</p> <p>13 Mr. Shaffer, had anybody else offered you the</p> <p>14 position at Crothall?</p> <p>15 A. No, the official offer -- I guess the</p> <p>16 official offer came from the very first person I</p> <p>17 spoke to, which was that recruiter, and then</p> <p>18 everything was done through her at that point.</p> <p>19 So that -- that's, like I said, Bob,</p> <p>20 you know, flippantly or -- or, you know, looking</p> <p>21 out for me, if you will, said, Make sure you get</p> <p>22 parking. So that was -- all part of the</p> <p>23 negotiation was done through the recruiter. I</p> <p>24 never really spoke to anybody other than -- than</p> <p>25 that.</p>	<p style="text-align: right;">Page 43</p> <p>1 Pasquarello</p> <p>2 So, you know, salary was discussed</p> <p>3 with her. Parking was discussed with her. And</p> <p>4 that's really it. I mean, the package is the</p> <p>5 package, and I don't accept the benefits from</p> <p>6 anybody, so.</p> <p>7 Q. Were you satisfied with the</p> <p>8 compensation package that you were offered from</p> <p>9 Crothall?</p> <p>10 A. Yeah, as I said earlier, it was</p> <p>11 more -- the title with me being in to the</p> <p>12 positions in my career more than the salary.</p> <p>13 I -- I didn't get hurt, one way or the other,</p> <p>14 with the salary. It was fine so that wasn't --</p> <p>15 it wasn't my main consideration to taking the</p> <p>16 job. Parking --</p> <p>17 Q. You -- I'm sorry I interrupted. What</p> <p>18 was that?</p> <p>19 A. Is that -- you work in Manhattan, I</p> <p>20 don't know where you are, but, you know, parking</p> <p>21 is a nice perk. That -- that had a -- that was</p> <p>22 significant perk to -- to the position.</p> <p>23 Q. Can you describe for me your</p> <p>24 responsibilities as the assistant director for</p> <p>25 fire safety for Crothall?</p>
<p style="text-align: right;">Page 44</p> <p>1 Pasquarello</p> <p>2 A. Well, it -- you know, to describe</p> <p>3 the -- the responsibilities, it's the same as</p> <p>4 the director job. There's no difference. So in</p> <p>5 essence I ran the department. I was in charge</p> <p>6 of managers. I was never fully staffed, so I</p> <p>7 was always picking up the slack of either the no</p> <p>8 manager or not a very good manager.</p> <p>9 So I was always doing all the</p> <p>10 operations stuff. I was overseeing all the</p> <p>11 vendors. I was overseeing aspects while I was</p> <p>12 the subject matter expert, so I was handling all</p> <p>13 those questions. I was dealing with</p> <p>14 negotiations for the union.</p> <p>15 I was dealing with all the additional</p> <p>16 work that was coming about through COVID. We</p> <p>17 were expanding the hospital. They had hundreds</p> <p>18 of beds at one point that all needed to be code</p> <p>19 compliant and ILSMs reviewed. They put up a</p> <p>20 tents hospital like a MASH unit in the park</p> <p>21 across the street. They -- they put me in</p> <p>22 charge of working with Samaritan's Purse to make</p> <p>23 sure that they were compliant and not breaking</p> <p>24 any city rules.</p> <p>25 The -- the duties were that listed on</p>	<p style="text-align: right;">Page 45</p> <p>1 Pasquarello</p> <p>2 the job announcement and then some, based a lot</p> <p>3 on the pandemic and -- and the other situations</p> <p>4 that were occurring at the time of my employment</p> <p>5 there.</p> <p>6 Q. Let's do it this way. Let's -- I'm</p> <p>7 going to show you an exhibit. I'm going to ask</p> <p>8 my colleague to put it in the chat function of</p> <p>9 the screen. I'm also going to put it up on my</p> <p>10 screen. But because it's a multi-page document,</p> <p>11 I can only you show you a piece a time at -- on</p> <p>12 the screen. But let me put it up on the screen.</p> <p>13 MR. CLARK: We're going to mark this</p> <p>14 as Exhibit 1, and for the record, it is</p> <p>15 a -- two, four, six, seven-page document</p> <p>16 bearing Bates stamp CH 1663 through 1669,</p> <p>17 and it's entitled Job Description Fire</p> <p>18 Safety Assistant Director.</p> <p>19 (Seven-page document bearing Bates</p> <p>20 stamp CH 1663 through 1669, entitled Job</p> <p>21 Description Fire Safety Assistant Director,</p> <p>22 was marked Pasquarello Exhibit 1 for</p> <p>23 identification, as of this date.)</p> <p>24 Q. Okay. So, Mr. Pasquarello, you should</p> <p>25 be able to see this in two ways. One in the</p>

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1 Pasquarello

2 chat you should be able to download the document

3 directly and scroll and read through it as ever

4 you would like.

5 I also have it up on my screen.

6 Although because the screens are limited, you

7 can only see the top half at the moment. But

8 let me pause for a moment and say, can you see

9 my screen, at least the top portion of the first

10 page of this exhibit?

11 A. I do see your screen.

12 Q. Okay.

13 A. I did click on Exhibit 1. Click to

14 open. There we go. I no longer see your

15 screen. Now I just see my document that you are

16 referring to.

17 Q. Okay. Well, my questions will be

18 about this document, so let me ask you to take a

19 moment and look at the document -- either if you

20 want me to do it on the screen, I could scroll

21 through it, or you can do it in the PDF you've

22 downloaded, take a look at the document, and my

23 question will be, do you recognize this

24 document?

25 A. I do.

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1 Pasquarello

2 A. I -- that I don't -- no, I think I

3 started in October. I -- like I said, I could

4 be mistaken but I started -- I believe I started

5 this position in October.

6 Q. And at the bottom of that same page

7 you'll see it says initials in the bottom right

8 corner?

9 A. Yes.

10 Q. And it actually says initials on every

11 page of the document. Are those your initials?

12 A. They are.

13 Q. Okay. Let's go back up to the first

14 page for a moment. I want to focus on the

15 section that says Summary. If you could read

16 that to yourself. My question is going to be,

17 is that an accurate summary of the role you had

18 for Crothall?

19 A. On the first page?

20 Q. The first page under the heading

21 Summary, there's a three-line paragraph.

22 A. Oh.

23 (Witness reviewing document.)

24 A. Yes, okay. I believe that's how I

25 answered, but I -- I agree with that statement.

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1 Pasquarello

2 Q. Okay. Have you had an opportunity to

3 look at the document?

4 A. I -- I see it in front of me. I -- I

5 don't read that fast. But I guess I can go

6 through it with you, if -- if you want to do

7 that. It's how many pages? Seven pages?

8 Q. Let's go through it a piece at a time.

9 So if you go to the very last page -- and I'll

10 scroll there on my screen as well, in case you

11 are following along there. But the very last

12 page, which is 1669 in the bottom right corner.

13 A. Okay.

14 Q. At the bottom of that page you'll see

15 three lines that say associate name, signature,

16 date. You see where I'm looking?

17 A. Yes.

18 Q. Is that your handwriting and your

19 signature on those three lines?

20 A. Yes.

21 Q. Okay. Did you sign this document on

22 November 2, 2020?

23 A. I have no reason to doubt that, yes.

24 Q. Was that your first day of employment,

25 November 2, 2020?

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1 Pasquarello

2 Q. So the summary is an accurate summary

3 of the job you had when you worked at Crothall?

4 A. It's an accurate statement of what I

5 signed. The job I did at Crothall was a lot

6 more expansive than this summary statement.

7 Q. Okay. So let's take a look, then, in

8 the section that follows, which is entitled

9 Essential Duties and Responsibilities?

10 A. Okay.

11 Q. I'm scrolling there on my screen, and

12 you can either follow along on my screen or in

13 your separate PDF. But do you see where I'm

14 looking in the section that begins Essential

15 Duties and Responsibilities?

16 A. So I'm -- I'm going to see if this is

17 easier. I'm going to minimize my screen. Now I

18 don't see your screen anymore, so let me see if

19 I click this, if you come back. There you are.

20 So let me minimize this, take this away, move

21 the chat out of the way.

22 All right. It's -- now I think it's

23 better if I follow along with you, so.

24 Q. Okay. You can see my screen?

25 A. I do see your screen.

<p style="text-align: right;">Page 50</p> <p>1 Pasquarello</p> <p>2 Q. Okay. So I'm looking under Essential</p> <p>3 Duties and Responsibilities, and I want to walk</p> <p>4 through these bullets so that I better</p> <p>5 understand what these means. So let's start</p> <p>6 with the first bullet there, it says: Oversee</p> <p>7 programs for fire alarm and fire suppression</p> <p>8 testing and life safety PMs.</p> <p>9 Do you see that?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Let me start with the acronym there,</p> <p>12 what does PM stand for?</p> <p>13 A. Preventive maintenance.</p> <p>14 Q. What did this essential duty actually</p> <p>15 entail, the essential duty that's listed in the</p> <p>16 first bullet here?</p> <p>17 A. Okay. So the way I read that I</p> <p>18 oversee that program. Everything that says</p> <p>19 oversee is usually delegated to a manager or the</p> <p>20 staff, and -- and my job is to ensure it's</p> <p>21 done -- it's done. So it -- you know, it did</p> <p>22 get overwhelming at times being short staffed.</p> <p>23 But with that said, fire alarm and</p> <p>24 suppression system testing and life safety PMs,</p> <p>25 so obviously every building has a fire alarm</p>	<p style="text-align: right;">Page 51</p> <p>1 Pasquarello</p> <p>2 system and suppression systems, right? They</p> <p>3 have to be tested based on code. Certain tests</p> <p>4 are done monthly. Certain tests are done</p> <p>5 semiannual. Certain tests are done quarterly.</p> <p>6 A lot of it is -- a lot of testing is</p> <p>7 done by vendors, more so than the PMs. The PMs</p> <p>8 are mostly done by in-house. A PM could result</p> <p>9 in bringing in a vendor, but not necessarily.</p> <p>10 So the first one is talking about overseeing the</p> <p>11 program of testing frequencies and making sure</p> <p>12 that we stay within the -- the -- the NFPA</p> <p>13 standards of frequencies. So that -- that's</p> <p>14 what that bullet is talking about.</p> <p>15 The second bullet --</p> <p>16 Q. Well, hang on. We're not at the</p> <p>17 second bullet yet.</p> <p>18 A. -- goes exactly with the first bullet.</p> <p>19 Q. Okay. We will get to the second</p> <p>20 bullet in a second. I want to stay on the first</p> <p>21 bullet if we can.</p> <p>22 A. Okay.</p> <p>23 Q. Was there a process at Crothall for</p> <p>24 entering and tracking PMs or preventative</p> <p>25 maintenance?</p>
<p style="text-align: right;">Page 52</p> <p>1 Pasquarello</p> <p>2 A. The system -- yes, they have a system</p> <p>3 called TeamDocs or TeamOps. This was I believe</p> <p>4 in the TeamDocs one. It's been a while since</p> <p>5 I'm out but I believe it was the TeamDocs</p> <p>6 program, and it reminds you of when these things</p> <p>7 are due and done. PMs, though, are -- they're</p> <p>8 the in-house stuff, but, yes, there -- there is</p> <p>9 a program that keeps track of those.</p> <p>10 Q. Whose responsibility was it to enter</p> <p>11 the PM information into TeamOps or TeamDocs for</p> <p>12 preventative maintenance?</p> <p>13 A. That's a clerical duty, and I didn't</p> <p>14 believe that was the duties of -- of the -- the</p> <p>15 head of the department, so that was delegated to</p> <p>16 one of the managers. And Matt was the -- the</p> <p>17 computer guy, so he was more of the -- he was</p> <p>18 the admin manager, if you will, so it was his</p> <p>19 duties to ensure that TeamDocs and TeamOps were</p> <p>20 updated properly.</p> <p>21 Q. As Matt's supervisor were you able to</p> <p>22 track the status of open and completed PMs?</p> <p>23 A. I did.</p> <p>24 Q. How often did you do that?</p> <p>25 A. Weekly, monthly, it -- it depended on</p>	<p style="text-align: right;">Page 53</p> <p>1 Pasquarello</p> <p>2 the PMs, and it depended on what I was seeing on</p> <p>3 the screen. So if something wasn't being done,</p> <p>4 this screen would let you know that, and then I</p> <p>5 would have a talk with him and see what's going</p> <p>6 on.</p> <p>7 But our PMs were always closed out on</p> <p>8 time, so I didn't have an issue with PMs. And</p> <p>9 then the alarms and testing, there -- there was</p> <p>10 stuff in the background that -- considering I</p> <p>11 never got the full training on the system, I</p> <p>12 wasn't seeing in real time, if you will.</p> <p>13 So sometimes things would be -- I'll</p> <p>14 call them green and red, because that's the way</p> <p>15 the system produces your -- if everything is</p> <p>16 green, everything is good. If something is red,</p> <p>17 there's something missing. If I'm looking at it</p> <p>18 and it's all green, I'm assuming that it's good.</p> <p>19 I later came to understand -- and this</p> <p>20 was only because of the Joint Commission and</p> <p>21 their desire to say I was missing stuff was</p> <p>22 showing that there was stuff in the back of</p> <p>23 those programs that weren't being updated.</p> <p>24 And -- and I'm sure we're going to get</p> <p>25 to it, but that's -- that was the problem and --</p>

<p style="text-align: right;">Page 54</p> <p>1 Pasquarello</p> <p>2 and where I felt I'm being held to a different</p> <p>3 standard. The one who found the stuff that was</p> <p>4 missing in the back of the program was Matt.</p> <p>5 They didn't fix it. They just told me it was</p> <p>6 not there, and it was up to me to fix all that.</p> <p>7 And it would have been fixed if I had</p> <p>8 known about it from the get-go. But, you know,</p> <p>9 there's an old saying, you don't know what you</p> <p>10 don't know. And if you didn't tell me about it,</p> <p>11 how was I supposed to know about it? And</p> <p>12 that -- that's part of the problems that -- that</p> <p>13 led to my feeling of unfair discrimination</p> <p>14 and -- and discrimination.</p> <p>15 But that -- that's what that program</p> <p>16 is. So I oversaw what he was doing, but it was</p> <p>17 easy to hide the fact that there was things</p> <p>18 missing in it until -- until we were going</p> <p>19 through Joint Commission and you seen that it</p> <p>20 was missing.</p> <p>21 Q. What was the name of that program that</p> <p>22 that had the --</p> <p>23 A. Like I say, I believe it was --</p> <p>24 Q. -- greens and tracked --</p> <p>25 A. Like I say, I believe it was -- or</p>	<p style="text-align: right;">Page 55</p> <p>1 Pasquarello</p> <p>2 TeamOps. It -- it's one or the other, it's</p> <p>3 TeamDoc or TeamOp. I don't deal with that</p> <p>4 program anymore, so I -- I don't remember</p> <p>5 exactly which one it -- it was. I believe it</p> <p>6 was doc, because these look like documents.</p> <p>7 Q. Did you ever receive training on</p> <p>8 TeamDoc?</p> <p>9 A. The training I received was through</p> <p>10 Matt, so, again, I didn't know what I didn't</p> <p>11 know so I only know what he was showing me.</p> <p>12 The -- the company did offer remote type of</p> <p>13 trainings, log in and, you know, spend some time</p> <p>14 in the classroom with somebody from, I don't</p> <p>15 know where he's located, but -- I did do a</p> <p>16 couple of those.</p> <p>17 But, again, it was -- it -- depending</p> <p>18 on the class we did. So the classes that I did</p> <p>19 take with him were basically the same stuff Matt</p> <p>20 was showing me, so I didn't get any training on</p> <p>21 this -- the behind-the-curtain parts of the</p> <p>22 program.</p> <p>23 For example, I didn't even know that</p> <p>24 the -- the inventories were kept in there until</p> <p>25 they were telling me that the inventories were</p>
<p style="text-align: right;">Page 56</p> <p>1 Pasquarello</p> <p>2 wrong. That was news to me because the</p> <p>3 inventories were based off all the PMs. So if</p> <p>4 you said that they were wrong, all along, that's</p> <p>5 going back years. And some of them, in fact,</p> <p>6 went back years. I was fixing inventories that</p> <p>7 went back to 2016, '17, when it was all Matt and</p> <p>8 nobody else. But that's -- this is part of the</p> <p>9 problem that was going on then.</p> <p>10 Q. When you received training on TeamDocs</p> <p>11 from Matt and from the company, did you ask</p> <p>12 questions?</p> <p>13 MS. SELIGER: Objection.</p> <p>14 MR. CLARK: What's the objection?</p> <p>15 MS. SELIGER: Compound question.</p> <p>16 MR. CLARK: I don't think it's a</p> <p>17 compound question.</p> <p>18 Q. Mr. Pasquarello, you can answer.</p> <p>19 A. I did. I said of course I asked</p> <p>20 questions. So each -- each thing that I -- I</p> <p>21 learned, I know. If I -- if it wasn't a class I</p> <p>22 took, I didn't know it. So example is, getting</p> <p>23 the inventories out of the background, that</p> <p>24 would never show red. It wouldn't show</p> <p>25 anything. So it's not something that brings</p>	<p style="text-align: right;">Page 57</p> <p>1 Pasquarello</p> <p>2 your attention to it.</p> <p>3 It only became an issue when we were</p> <p>4 going through the Joint Commission reviews,</p> <p>5 because inventory was part of the reviews. So</p> <p>6 all the paper inventories that I was using,</p> <p>7 which was coming from the vendors who were doing</p> <p>8 the PMs, we were discovering that those</p> <p>9 inventories and the inventories in the system</p> <p>10 weren't identical.</p> <p>11 Some of them were easy enough to fix.</p> <p>12 And when I say "easy enough to fix," we throw</p> <p>13 away the old ones and put in the new ones. Not</p> <p>14 really threw it away, we just archived them and</p> <p>15 put on an updated one. Some of them were</p> <p>16 extremely difficulty to fix, and those were the</p> <p>17 ones where Omelfi and myself were there</p> <p>18 sometimes to 10, 11:00, 9:00, 8:00 in the</p> <p>19 evening trying to make heads or tails out of it.</p> <p>20 Dampers come to mind. I was on the</p> <p>21 phone with that company brand weekends, nights.</p> <p>22 It -- it took a very long time to fix those, and</p> <p>23 that's because the system was never updated</p> <p>24 since 2016.</p> <p>25 You know, it's funny to me that Matt</p>

<p style="text-align: right;">Page 58</p> <p>1 Pasquarello</p> <p>2 and Mike were able to find that 2016 problem</p> <p>3 during -- you know, after Matt left the</p> <p>4 department. You know, it was pretty amazing to</p> <p>5 me that that all of a sudden was an issue, when</p> <p>6 he was the manager in training that put it all</p> <p>7 in, he was the manager that updated and kept it,</p> <p>8 and it never came to my attention until he left</p> <p>9 the department.</p> <p>10 Q. You were Matt's supervisor; is that</p> <p>11 right?</p> <p>12 A. I was.</p> <p>13 Q. Did you work with TeamDocs in your</p> <p>14 employment at Memorial Sloan Kettering?</p> <p>15 A. No.</p> <p>16 Q. You referred to "inventories" in your</p> <p>17 answer earlier. Did you work with inventories</p> <p>18 in your role at Memorial Sloan Kettering?</p> <p>19 A. Yes.</p> <p>20 Q. Did you also work with preventative</p> <p>21 maintenance issues in your role at Memorial</p> <p>22 Sloan Kettering?</p> <p>23 A. Some of them, yes. Like I said, we</p> <p>24 were separated into operations and systems, so</p> <p>25 most PMs are done in systems but there are some</p>	<p style="text-align: right;">Page 59</p> <p>1 Pasquarello</p> <p>2 PMs that are done on -- on the operation side,</p> <p>3 like fire extinguishers are a good example. So,</p> <p>4 yeah, I did have some PMs but not as many as I</p> <p>5 had here.</p> <p>6 Q. How did you learn that there was an</p> <p>7 issue with the PMs at Crothall?</p> <p>8 MS. SELIGER: Objection.</p> <p>9 A. I didn't believe there was an issue</p> <p>10 with the PMs at Crothall. There was an issue</p> <p>11 with -- with some of the documentation coming</p> <p>12 off of the testing. My PMs were always closed</p> <p>13 on time.</p> <p>14 (Cross talking.)</p> <p>15 THE COURT REPORTER: I'm sorry. I</p> <p>16 didn't hear the last few words of that. My</p> <p>17 PMs were always? Just repeat what you said</p> <p>18 the first time, if you can. Did you say --</p> <p>19 THE WITNESS: Closed on time.</p> <p>20 THE COURT REPORTER: Okay. Thank you.</p> <p>21 THE WITNESS: Yes.</p> <p>22 Q. How did you learn there was an issue</p> <p>23 with documentation?</p> <p>24 MS. SELIGER: Objection.</p> <p>25 A. I learned there was an issue with</p>
<p style="text-align: right;">Page 60</p> <p>1 Pasquarello</p> <p>2 documentation when we started reviewing all the</p> <p>3 documents for the Joint Commission survey. Then</p> <p>4 all of a sudden, Matt Bond, Mike Roche, and</p> <p>5 Bobby Denver started coming to me daily, several</p> <p>6 times a day, This is missing. That's missing.</p> <p>7 This is missing. And it's, like, Are you</p> <p>8 kidding me?</p> <p>9 I mean, this is the stuff that</p> <p>10 literally 90 percent of Matt's job was to make</p> <p>11 sure it was all in there. Like I said, the</p> <p>12 screen would never tell you that they weren't in</p> <p>13 there. You would have to go into those actual</p> <p>14 spots of TeamDoc, if it is, in fact, TeamDoc,</p> <p>15 not Ops, to find it, and that was the stuff I</p> <p>16 was never taught.</p> <p>17 And to say that I asked questions</p> <p>18 about it, not that particular thing I didn't ask</p> <p>19 questions about because, again, like I said, you</p> <p>20 don't know what you don't know. I do know,</p> <p>21 though, that we were working off of inventories.</p> <p>22 I had inventories on everything, so I was able</p> <p>23 to correct the majority of it fairly okay -- or</p> <p>24 quickly, I should say, not okay.</p> <p>25 There was some that were so bad</p>	<p style="text-align: right;">Page 61</p> <p>1 Pasquarello</p> <p>2 because they involved five-year testings and</p> <p>3 six-year testing, two-year testing, the first</p> <p>4 year, five-year testing the years after. So</p> <p>5 those are things that took up an exorbitant</p> <p>6 amount of time. And, again, they pointed them</p> <p>7 out. They never offered any help to do it.</p> <p>8 I believe it was purely being held to</p> <p>9 a separate standard, and the one that left the</p> <p>10 information out is the one telling me that the</p> <p>11 information was left out. So it was, you know,</p> <p>12 quite disheartening, to say the least.</p> <p>13 Q. When did you begin reviewing</p> <p>14 documentation in preparation for the Joint</p> <p>15 Commission audit?</p> <p>16 A. I don't remember the exact month but I</p> <p>17 do remember that I was so busy at that point</p> <p>18 doing everything else that the team took it</p> <p>19 over. The team would be Matt, Bobby, and</p> <p>20 Michael. So they -- they were the ones that</p> <p>21 were doing the document review, if you will.</p> <p>22 I was working more at that point with</p> <p>23 the vendors, trying to get all these additional</p> <p>24 work that's being discovered addressed.</p> <p>25 Q. At any point during your employment at</p>

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2 Crothall did you review documentation either in

3 preparation for the Joint Commission edit or for

4 some -- strike that. Let me re-ask that.

5 At any point during your employment at

6 Crothall did you review documentation either in

7 preparation for the Joint Commission audit or

8 for some other purpose?

9 A. Yes. I -- as I said earlier, I

10 reviewed documentation at the minimum on a

11 monthly basis, if not more. While I was there,

12 we went through several audits through Bob

13 Shaffer and Crothall, and we passed them. So

14 I'm passing audits by the company, only to find

15 out later on that the audit you're giving us

16 during the year shows that I'm good, and you're

17 giving us our bonus in -- in recognition of the

18 fact that my work is good.

19 And now, work is missing, in the zero

20 hour leading up to Joint Commission? Why didn't

21 you pick that up last year when you audited me

22 on the normal audit? I mean, we're talking

23 about some of these inventories, like I said,

24 from 2015, 2016, 2017, you didn't pick that up

25 then. Now you pick it up now and -- and you're

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2 suspended belief that this stuff was actually

3 that much of a problem and -- and more so a

4 gotcha to try and get rid of me because, I don't

5 know, maybe I was too much of a threat to

6 Michael, and he certainly didn't like anybody

7 older and more experienced in his department.

8 Q. Was there actually documentation that

9 was missing?

10 A. Nothing was missing. Some of it was

11 inaccurate.

12 Q. Why didn't you pick up on the

13 inaccuracies in the documentation before you

14 were notified about them?

15 A. Because they weren't obvious. They --

16 they were in the background of a program that I

17 was never given the proper training on. If I

18 had gone to school like everybody else who came

19 before me, that went to the Crothall Learning

20 Center and learned all this, probably wouldn't

21 have been an issue.

22 But I was also depending on the fact

23 that I passed my previous audits to believe that

24 my work was up to date. So, I mean, you're

25 telling me I passed an audit. You're not giving

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1 Pasquarello

2 telling me to fix it. I wasn't even there. I

3 didn't even know what you were talking about.

4 So I had to research all this

5 information, had to work with the vendors to get

6 all their past documents that were archived, and

7 bring us back up to speed. The only stuff that

8 was -- and I won't say it was easy because

9 nothing was really easy to do, was the stuff

10 that I was more hands-on with the vendor, which

11 would have been the fire alarm system.

12 That one was the easiest to bring up

13 to speed, because Piro's signal was there. They

14 have people stationed at the hospital. So

15 whenever there was questions with that or

16 documents I needed with that, I had a direct

17 line to get that.

18 But, again, we're audited by Bob

19 Shaffer twice a year. We passed all our

20 internal audits. Now the Joint Commission audit

21 comes around, and you're telling me there was

22 stuff missing or needed that wasn't told months

23 earlier when we -- when we went through our --

24 our company-wide audits.

25 So, you know, again, it -- it

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2 me training to find the stuff in the back of the

3 system, which is, you know, not obvious to

4 anybody who doesn't work that system. Yeah, I

5 mean, it was a setup.

6 Q. Who found the inaccuracies?

7 A. Matt Bond. And he was the one who was

8 supposed to be keeping up with -- with the

9 system. So it --

10 Q. You told me that you didn't have

11 access --

12 A. Well, I do have a question that was

13 never answered. Because if I passed the audit

14 under Bob Shaffer and then they're finding

15 inaccuracies during the -- the clique of Mike,

16 Bobby, and -- and Matt, was that -- I mean, at

17 this point, knowing how unfair I was treated, I

18 have no idea if they even took out or changed

19 and put old inventories in there. There's no

20 way for me to know that.

21 All I know is I passed my earlier

22 audit, and now all of a sudden I'm not passing

23 an audit. And it's not that stuff is missing.

24 It's that stuff is out of date. I don't know

25 where did the -- where did this -- that stuff

<p style="text-align: right;">Page 66</p> <p>1 Pasquarello</p> <p>2 come from or go, but I do know that that was</p> <p>3 Matt's job for over five years. He was and is</p> <p>4 the expert on this system.</p> <p>5 When he left fire safety, it was to</p> <p>6 manage this system. So I had to rely on who</p> <p>7 they also thought was the expert in the system</p> <p>8 of TeamDocs within the whole team.</p> <p>9 Q. Are you done with your answer?</p> <p>10 A. I believe so, yeah.</p> <p>11 Q. You told me you didn't get the</p> <p>12 training that some others received. Did you</p> <p>13 ever ask for that training?</p> <p>14 A. Constantly.</p> <p>15 Q. Who did you ask?</p> <p>16 A. Michael Roche.</p> <p>17 Q. How many times?</p> <p>18 A. A dozen would be an understatement.</p> <p>19 Q. And what was his response when you</p> <p>20 asked for that training?</p> <p>21 A. You don't ask enough questions.</p> <p>22 Q. Do you think you asked enough</p> <p>23 questions?</p> <p>24 A. I asked more than enough questions. I</p> <p>25 can't ask a question that I don't know the</p>	<p style="text-align: right;">Page 67</p> <p>1 Pasquarello</p> <p>2 information for. So if you're keeping something</p> <p>3 from me, how do I ask questions about it? So,</p> <p>4 yes, I asked enough questions.</p> <p>5 Q. Did you ask anybody other than Mike</p> <p>6 Roche for the training you needed to be able to</p> <p>7 do your job?</p> <p>8 A. I had voiced my concern to Bob</p> <p>9 Shaffer.</p> <p>10 Q. How many times?</p> <p>11 A. That's when Bob said he would come in</p> <p>12 and help me, you know, learn some of the other</p> <p>13 stuff in the background, but that never</p> <p>14 materialized.</p> <p>15 Q. How many times did you ask Mr. Shaffer</p> <p>16 for access to the training you needed to do your</p> <p>17 job?</p> <p>18 A. I -- I don't recall an exact number.</p> <p>19 I would guessing.</p> <p>20 Q. Was it more than once?</p> <p>21 A. I would say a couple of times at the</p> <p>22 most, yeah.</p> <p>23 Q. Was it more than five times?</p> <p>24 I'm sorry?</p> <p>25 A. I -- I was relying more on my direct</p>
<p style="text-align: right;">Page 68</p> <p>1 Pasquarello</p> <p>2 supervisor to give me the training I needed.</p> <p>3 Q. Well, you told me earlier that at some</p> <p>4 point you thought Mr. Shaffer was your direct</p> <p>5 supervisor, right?</p> <p>6 A. No. I thought Mr. Shaffer was</p> <p>7 Michael's supervisor. I never said I thought he</p> <p>8 was my direct supervisor.</p> <p>9 Q. Let's go back to your job description</p> <p>10 which should still be up on your screen, and I</p> <p>11 want to go to the third bullet under Essential</p> <p>12 Duties and Responsibilities, which says: Carry</p> <p>13 out and supervise the implementation of ILSMs in</p> <p>14 response to system deficiencies and</p> <p>15 construction.</p> <p>16 Do you see that?</p> <p>17 A. Yes, I do.</p> <p>18 Q. What is an ILSM?</p> <p>19 A. Interim life safety measure.</p> <p>20 Q. And what role or duties did you have</p> <p>21 with respect to ILSMs?</p> <p>22 A. My role and duty at that point was to</p> <p>23 teach the staff how to properly do them. The</p> <p>24 staff was woefully undertrained before I got</p> <p>25 there, and they didn't know how to do them. So</p>	<p style="text-align: right;">Page 69</p> <p>1 Pasquarello</p> <p>2 unfortunately I had to do a lot of them myself</p> <p>3 and make each of them a training opportunity for</p> <p>4 the staff.</p> <p>5 So I would bring the staff, including</p> <p>6 the managers, and showed them how to do proper</p> <p>7 interim life safety measures. There is a</p> <p>8 checklist. The form is actually a checklist, so</p> <p>9 it's not -- finding the actual measure is not</p> <p>10 difficult. The difficult part is recognizing</p> <p>11 the deficiency in order to implement the proper</p> <p>12 measure. And -- and that was the majority of</p> <p>13 what I was doing with those.</p> <p>14 So I put in hundreds of them,</p> <p>15 especially during COVID, like I previously</p> <p>16 explained, with all the additional beds and</p> <p>17 tents and everything else that were going up.</p> <p>18 But then all the regular deficiencies that would</p> <p>19 come about due to regular construction, because</p> <p>20 the hospital was always under construction. I</p> <p>21 had to teach the staff how to properly do those.</p> <p>22 Q. Do ILSMs need to be documented?</p> <p>23 A. They are documented, yes.</p> <p>24 Q. Are they documented in one of the two</p> <p>25 systems we discussed before, TeamOps or</p>

<p style="text-align: right;">Page 70</p> <p>1 Pasquarello</p> <p>2 TeamDocs?</p> <p>3 A. No, they would be documented with</p> <p>4 the -- well, there's different ILSMs, so you're</p> <p>5 confusing the urgent impact ILSMs with regular</p> <p>6 ILSMs. If I am putting words in your mouth,</p> <p>7 stop me. But these ILSMs are systems</p> <p>8 deficiencies due to -- and it says in</p> <p>9 construction, so they're in a separate file.</p> <p>10 That's not that file that we're talking about</p> <p>11 all along here.</p> <p>12 Q. Do the urgent ILSMs need to be</p> <p>13 documented in either TeamOps or TeamDocs?</p> <p>14 A. They're -- they're part of the TeamOps</p> <p>15 program. And what they are is -- an urgent ILSM</p> <p>16 or urgent impact ILSM, it's -- it's a little bit</p> <p>17 of a misleading statement, urgent impact ILSM.</p> <p>18 But what they are is, during a PM or during</p> <p>19 something else, a testing, services, or just</p> <p>20 your daily rounds, you discover something,</p> <p>21 right? Let's make it easy, you discover a hinge</p> <p>22 broken on a -- a door, right? That you put a --</p> <p>23 a work order in for.</p> <p>24 Now, if it's a fire door, right? That</p> <p>25 generates -- it goes into the system</p>	<p style="text-align: right;">Page 71</p> <p>1 Pasquarello</p> <p>2 differently. So it's a fire door, we have to do</p> <p>3 that because it's -- it maintains</p> <p>4 compartmentation of the hospital. That's what</p> <p>5 keeps smoke and fire from spreading. So it's a</p> <p>6 very important thing, right?</p> <p>7 So an urgent impact ILSM will get</p> <p>8 automatically generated through the system.</p> <p>9 The -- the ILSM that's asked for in that case</p> <p>10 is -- I use this one because it's a very simple</p> <p>11 ILSM, and that is to inform the staff that</p> <p>12 there's a problem with the door and make sure if</p> <p>13 the fire alarm goes off, that door stays closed.</p> <p>14 That -- that's a sufficient ILSM or urgent</p> <p>15 impact ILSM for that type of a deficiency found.</p> <p>16 Then the work order gets assigned to</p> <p>17 either the in-house carpenter shop or the -- or</p> <p>18 a vendor if it needs things that in-house can't</p> <p>19 do. So that's what that is. They're two</p> <p>20 different things.</p> <p>21 An ILSM in response to construction or</p> <p>22 deficiencies are what we do when we have to.</p> <p>23 And urgent impact ILSMs are generated through</p> <p>24 the system when a work order to repair something</p> <p>25 is deemed a life safety asset, item, however you</p>
<p style="text-align: right;">Page 72</p> <p>1 Pasquarello</p> <p>2 want to say it, and that will require us to</p> <p>3 review it to see what, if anything, needs to be</p> <p>4 done in the area or for the staff and whatnot.</p> <p>5 Q. Whose responsibility was it to monitor</p> <p>6 the work orders for the ILSMs that were</p> <p>7 submitted through the system?</p> <p>8 A. Again, that's a clerical</p> <p>9 responsibility. So monitoring the -- the work</p> <p>10 was still part of the manager, in this case it</p> <p>11 was Matt Bond's responsibility for the TeamOps</p> <p>12 and TeamDocs program. So his job daily was to</p> <p>13 monitor TeamOps and TeamDocs for anything going</p> <p>14 on, and those urgent impacts would come to him</p> <p>15 first.</p> <p>16 If there was something missing or</p> <p>17 something that required more expertise that</p> <p>18 maybe he wasn't familiar with, then I would come</p> <p>19 in and -- and go and reevaluate the area. So my</p> <p>20 job was more to make sure the measures he was</p> <p>21 putting in were correct, not so much to do it.</p> <p>22 And, again, I -- I began training him</p> <p>23 on this pretty much as soon as I got there. And</p> <p>24 I believe when I left, they were pretty</p> <p>25 competent in -- in doing the evaluations of</p>	<p style="text-align: right;">Page 73</p> <p>1 Pasquarello</p> <p>2 these areas or deficiencies.</p> <p>3 Q. As Mr. Bond's supervisor, were you</p> <p>4 able to track the status of his open work</p> <p>5 orders?</p> <p>6 A. Yes.</p> <p>7 Q. How often did you track the status of</p> <p>8 his open work orders?</p> <p>9 A. Weekly to monthly, depending on the</p> <p>10 type of work orders. We would have -- well,</p> <p>11 actually, daily, we went over our work orders</p> <p>12 daily. You know, you -- you mentioned the work</p> <p>13 orders. You got to understand when I got there,</p> <p>14 work orders were very, very -- were very, very</p> <p>15 behind, if you will.</p> <p>16 There was hundreds -- I believe there</p> <p>17 was over 500 of them that were well over 60 days</p> <p>18 old. Some of them were over a year or two old.</p> <p>19 So we were having daily meetings on catching up</p> <p>20 all the old ILSM -- not ILSMs, all the old work</p> <p>21 orders to get those off the books, if you will,</p> <p>22 and get everything repaired and up to code.</p> <p>23 And that was -- so it was a daily</p> <p>24 thing for months. Actually for almost the</p> <p>25 entire time I was there. When I left, there was</p>

<p style="text-align: right;">Page 74</p> <p>1 Pasquarello</p> <p>2 only four work orders that were over 60 days</p> <p>3 old. When I got there, there was 500 of them</p> <p>4 but that 500 is a misleading number because my</p> <p>5 younger counterparts Matt and before him,</p> <p>6 another guy, Mr. Matthews, I forget his first</p> <p>7 name, but he was the director. Matt was his</p> <p>8 boss -- Matt was his manager, rather.</p> <p>9 They took groups of work orders and</p> <p>10 put them into a different work order to make it</p> <p>11 look like the numbers went down, when, in fact,</p> <p>12 the number -- the work never went down, just the</p> <p>13 appearance of the work went down. So it took --</p> <p>14 it took me well over the first year I was there</p> <p>15 to get rid of all those overdue work orders.</p> <p>16 So, yeah, work orders was a daily</p> <p>17 thing that we worked on in the department to get</p> <p>18 those under control. And it -- it's something</p> <p>19 actually I'm quite proud of to say when I left</p> <p>20 there, we had none of those open work orders</p> <p>21 anymore. We were able to get rid of all of</p> <p>22 them.</p> <p>23 Q. If there were work orders that were</p> <p>24 outstanding for more than 60 days, did you</p> <p>25 remind Mr. Bond that they were still open and</p>	<p style="text-align: right;">Page 75</p> <p>1 Pasquarello</p> <p>2 they needed to be addressed?</p> <p>3 A. Well, any of them that were made since</p> <p>4 I got there that went over 60 days I knew why</p> <p>5 they were open over 60 days. So there are</p> <p>6 reasons that a work order would stay open that</p> <p>7 long, especially during the COVID pandemic and</p> <p>8 the supply chain issues that we're basically</p> <p>9 still experiencing.</p> <p>10 So if -- if a part was needed and they</p> <p>11 couldn't get the right part, that work order may</p> <p>12 very well stay open for more than 60 days. So</p> <p>13 ever since I took the helm, if you will, my work</p> <p>14 orders didn't go over 60 days. I was on top of</p> <p>15 the work orders that were coming in since I got</p> <p>16 there.</p> <p>17 On a daily basis I was addressing the</p> <p>18 over 500 work orders that weren't addressed in</p> <p>19 the year or two before I got there. So</p> <p>20 that's -- I didn't have to ask them why a work</p> <p>21 order when I got there was over 60 days old. I</p> <p>22 would know the answer to that. It was the work</p> <p>23 orders that were over 60 days old and sometimes</p> <p>24 over a year or so old that we were working on</p> <p>25 daily that -- that needed my attention.</p>
<p style="text-align: right;">Page 76</p> <p>1 Pasquarello</p> <p>2 And I would bring Matt into my</p> <p>3 office -- not bring him into my office. I had a</p> <p>4 very open door policy. I mean, he was right</p> <p>5 next door. We talked about this every day,</p> <p>6 the -- the work orders. The stuff that was a</p> <p>7 problem was what we were discussing previously,</p> <p>8 the behind-the-scenes stuff in the computer that</p> <p>9 I never seen and was able to get access to it,</p> <p>10 because I didn't know to ask for that back</p> <p>11 there, you know, and is it the same inventories</p> <p>12 we are currently working with.</p> <p>13 It's not like I wasn't working with</p> <p>14 inventories. It's that the inventories I was</p> <p>15 working with were different than the inventories</p> <p>16 in -- I have proper inventories, it just wasn't</p> <p>17 in the system.</p> <p>18 Q. Was there a requirement that work</p> <p>19 orders be closed as of the 25th of each month?</p> <p>20 A. That was -- that was only for me.</p> <p>21 That was Michael's way of putting extra pressure</p> <p>22 on me. No, there was nothing written that said</p> <p>23 work orders had to be closed by the 25th of the</p> <p>24 month. That was in his PIP, and it was</p> <p>25 completely unfounded considering my shop always</p>	<p style="text-align: right;">Page 77</p> <p>1 Pasquarello</p> <p>2 went a hundred percent complete.</p> <p>3 And we're not talking about a regular</p> <p>4 work order. You're talking about PMs, so I'll</p> <p>5 correct your misuse of work orders to PMs. It's</p> <p>6 a PM work order that he wanted closed within</p> <p>7 25 days in the month. So those were always</p> <p>8 closed. The one he wrote me up for wasn't even</p> <p>9 supposed to be closed. That one wasn't due</p> <p>10 until March and October. So they falsified that</p> <p>11 record blatantly.</p> <p>12 Q. Go back to your job description which</p> <p>13 you should still see on your screen?</p> <p>14 A. I do.</p> <p>15 Q. And I want to go down to the section</p> <p>16 that talks about Supervisory -- I apologize, it</p> <p>17 looks like it's a double-sided document, and</p> <p>18 there were some blank pages in this production.</p> <p>19 A. Yeah, I figured that. Not a worry.</p> <p>20 Q. The section that says Supervisory</p> <p>21 Functions and has a number of bullets below it.</p> <p>22 Do you see that on your screen?</p> <p>23 A. I do.</p> <p>24 Q. Take a look at the one, two, three,</p> <p>25 four, five, sixth bullet down. It says:</p>

<p style="text-align: right;">Page 78</p> <p>1 Pasquarello</p> <p>2 Orients new employees and provides on-the-job</p> <p>3 training to assigned personnel.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Is that a task you performed?</p> <p>7 A. That's a task not only did I perform,</p> <p>8 I completely wrote the system. When I got</p> <p>9 there, the -- the employees weren't getting any</p> <p>10 of the training that they were supposed to have.</p> <p>11 They -- they were woefully lacking in their job</p> <p>12 knowledge. I put together check sheets. I put</p> <p>13 together a training packet for them which</p> <p>14 described each parts of their job. I rewrote</p> <p>15 all the policy and procedures into -- into an</p> <p>16 updated format and into more concise reading for</p> <p>17 the staff. And I did train that staff.</p> <p>18 So the staff when I started there,</p> <p>19 like I said, didn't know how to do a proper</p> <p>20 ILSM. They didn't even know how to do a proper</p> <p>21 lamp test. I went through everything with them.</p> <p>22 So, yes, that was something not only did I --</p> <p>23 was part of my responsibility, it was something</p> <p>24 I'm very proud of.</p> <p>25 The fire safety department when I left</p>	<p style="text-align: right;">Page 79</p> <p>1 Pasquarello</p> <p>2 was a professional well-run department. When I</p> <p>3 got there, they -- they really couldn't even</p> <p>4 pull themselves [inaudible].</p> <p>5 THE COURT REPORTER: They really</p> <p>6 couldn't what?</p> <p>7 A. -- talk to them, they will admit that,</p> <p>8 because I got thanks every day for showing them</p> <p>9 that, the right way to do it.</p> <p>10 Q. Did you feel that you had sufficient</p> <p>11 training to be able to orient new employees and</p> <p>12 provide on-the-job training to them?</p> <p>13 A. Yeah, because we were talking about</p> <p>14 fire safety director work. We're not talking</p> <p>15 about -- I'm not teaching them how to do TeamOps</p> <p>16 or TeamDocs. I'm teaching them how to do their</p> <p>17 job with fire safety. I -- yes, I have -- I</p> <p>18 have very good experience in fire safety.</p> <p>19 Q. Let's go down to the next section of</p> <p>20 the job description, which is entitled</p> <p>21 Qualifications, and we're on page 1667. See</p> <p>22 that section entitled Qualifications?</p> <p>23 A. Yes.</p> <p>24 Q. The fourth bullet says: Ability to</p> <p>25 multitasks and establish priorities.</p>
<p style="text-align: right;">Page 80</p> <p>1 Pasquarello</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you agree that it was a necessary</p> <p>5 qualification to be able to multitask in your</p> <p>6 position as assistant director?</p> <p>7 A. Yes. And I agree -- I also will state</p> <p>8 that I did that very well.</p> <p>9 Q. The next bullet says: Ability to</p> <p>10 maintain organization in a changing environment.</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. Do you agree that that was a necessary</p> <p>14 qualification for your position as assistant</p> <p>15 director?</p> <p>16 A. Again, I agree with that, and I</p> <p>17 believe I did that very well.</p> <p>18 Q. Scroll further down on the same page,</p> <p>19 there's a heading entitled Education/Experience.</p> <p>20 Do you see that on your screen?</p> <p>21 A. I do.</p> <p>22 Q. And then there is a number of bullets</p> <p>23 that are prefaced with: Strongly preferred</p> <p>24 certifications include.</p> <p>25 Do you see where I'm looking?</p>	<p style="text-align: right;">Page 81</p> <p>1 Pasquarello</p> <p>2 A. I do.</p> <p>3 Q. Do you know what the OSHA 10-hour</p> <p>4 certification is?</p> <p>5 A. Yes, I do.</p> <p>6 Q. What is it?</p> <p>7 A. OSHA training is on-site safety.</p> <p>8 There's two -- OSHA gives two types of training.</p> <p>9 They'll give it in office buildings which are</p> <p>10 general OSHA and then they also give</p> <p>11 construction training. So they're not even</p> <p>12 telling you which training they want you to take</p> <p>13 with that OSHA 10. Did they want you to take</p> <p>14 the basic general or do they want you to take</p> <p>15 the -- the construction?</p> <p>16 But either way, OSHA construction, how</p> <p>17 to walk a ladder, how to have three points of</p> <p>18 contact, it's all these different modules that</p> <p>19 add up to 10 hours. So that's what OSHA is. If</p> <p>20 you're going on the general side, it's how to</p> <p>21 make sure there's no tripping hazard with</p> <p>22 carpets and -- and things like that. So that's</p> <p>23 OSHA, Occupational Safety Health Administration,</p> <p>24 I believe it is. Could be a little off on the</p> <p>25 acronym, but I believe that's the acronym for</p>

<p style="text-align: right;">Page 82</p> <p>1 Pasquarello</p> <p>2 OSHA.</p> <p>3 Q. Did you ever ask anybody what that</p> <p>4 OSHA 10 hour referred to?</p> <p>5 A. I knew what it referred to. Why did I</p> <p>6 have to ask? I don't understand the question.</p> <p>7 Q. Did you tell me in your answer</p> <p>8 previously that it could refer to one of two</p> <p>9 different types of training?</p> <p>10 A. Oh. Well, I know both of them, so I</p> <p>11 wasn't concerned about that. I knew I had the</p> <p>12 qualifications for the job. So, you know, if</p> <p>13 they -- they wanted to question me on my OSHA</p> <p>14 experience, they could have. You know, they --</p> <p>15 well, they had me teach the OSHA training to the</p> <p>16 men, or to the staff, I had some females too.</p> <p>17 So they -- they knew I was well versed in OSHA.</p> <p>18 Q. Did you have the OSHA 10-hour</p> <p>19 certification?</p> <p>20 A. I don't have the OSHA 10-hour</p> <p>21 certification, no.</p> <p>22 Q. What is F85 fire safety director with</p> <p>23 active shooter and medical emergency</p> <p>24 preparedness?</p> <p>25 A. That's a very old -- now it's called</p>	<p style="text-align: right;">Page 83</p> <p>1 Pasquarello</p> <p>2 the F89, and that's your fire safety director</p> <p>3 certification. F85 has been phased out.</p> <p>4 Q. Did you have either the F85 or the F89</p> <p>5 during your employment with Crothall?</p> <p>6 A. When I got to Crothall, I had my Z89,</p> <p>7 which meant I took the course and I passed the</p> <p>8 examination. I needed to take an on-site exam.</p> <p>9 And then the pandemic hit, and I never did the</p> <p>10 on-site exam there. And in that interim, my Z89</p> <p>11 had expired, and then I renewed it when Michael</p> <p>12 put it on the PIP to get it.</p> <p>13 So I -- I came there with the Z89,</p> <p>14 which is what everybody has. You don't come to</p> <p>15 a building within with an F89 because the F</p> <p>16 stands for -- well, you don't get the F</p> <p>17 designation until you on-site in a specific</p> <p>18 building that you're working. So I did go there</p> <p>19 with the 89. The 89 supercedes all the other</p> <p>20 ones under there. So when I got there, I had</p> <p>21 the certification that covered all the others</p> <p>22 that you see there. Well --</p> <p>23 Q. How long --</p> <p>24 A. -- this is --</p> <p>25 Q. I'm sorry?</p>
<p style="text-align: right;">Page 84</p> <p>1 Pasquarello</p> <p>2 A. As far as the FDNY certifications, the</p> <p>3 Z89 or the F89 would cover all the -- the -- the</p> <p>4 lower level ones, the 12, 13, 95, and 7. But,</p> <p>5 nevertheless, I did go there with it. It</p> <p>6 expired while I was there. And then when he</p> <p>7 made an issue out of it, I re-got all of them.</p> <p>8 I got every one of them and then some.</p> <p>9 But, you know, we could go into why I</p> <p>10 disagreed it was a necessity. Because, one, the</p> <p>11 fire department was closed down for the majority</p> <p>12 of the -- the first year or so I was there due</p> <p>13 to the pandemic, and then we went into Joint</p> <p>14 Commission right away.</p> <p>15 So just to tell me to leave and take a</p> <p>16 day to go down and do four or five examinations,</p> <p>17 which is to leave the hospital four, five, six</p> <p>18 times, was a little -- you know, I -- to this</p> <p>19 day still say it was unnecessary. But it was a</p> <p>20 simple thing. He wanted me to do it, I did it,</p> <p>21 and it satisfied that part of his PIP.</p> <p>22 It -- it, you know -- it wasn't even</p> <p>23 anything I had to study for. I just went and</p> <p>24 took the test, and I got, you know, high grades</p> <p>25 on all of them anyhow. So I'm competent at --</p>	<p style="text-align: right;">Page 85</p> <p>1 Pasquarello</p> <p>2 at my job in the fire department certifications.</p> <p>3 And, again, Matt Bond was there for</p> <p>4 years, younger, part of the clique, never</p> <p>5 received his F89. He was there for over five,</p> <p>6 six years when I got there. So, again, I was</p> <p>7 held to a different standard than my</p> <p>8 counterparts.</p> <p>9 And Bernie Nunez, who superseded me,</p> <p>10 didn't have half the other certifications either</p> <p>11 that I carried, and certainly doesn't have my</p> <p>12 experience.</p> <p>13 Q. How long did the Z89 certification</p> <p>14 last?</p> <p>15 A. It lasts a year.</p> <p>16 Q. And when did you get your Z89</p> <p>17 certification last before starting at Crothall?</p> <p>18 A. Well, if I started in October, I</p> <p>19 probably got it maybe the November, December,</p> <p>20 before that. I would have to check records, but</p> <p>21 that's a good guess, give or take, because it</p> <p>22 expired fairly quickly after I got there.</p> <p>23 And something I -- I had spoken to</p> <p>24 Michael about several times, he wanted to use my</p> <p>25 certification numbers on fire safety plans, and</p>

<p style="text-align: right;">Page 86</p> <p>1 Pasquarello</p> <p>2 I did refuse that. That -- that's illegal, and</p> <p>3 you don't do it. But he didn't want to hear it,</p> <p>4 and he routinely put manager's certification</p> <p>5 numbers on the fire safety plans.</p> <p>6 And that was something that definitely</p> <p>7 should not be done, and it's a practice that I</p> <p>8 voiced my opinion to everybody about. And</p> <p>9 "everybody" that being Shaffer and Hariegal. So</p> <p>10 you don't use a manager's certificate of</p> <p>11 fitnesses if they're not the one performing the</p> <p>12 job.</p> <p>13 So I also didn't believe that the</p> <p>14 certifications that you're asking a manager to</p> <p>15 hold are necessary for the manager. It's</p> <p>16 necessary for the staff, not the manager, unless</p> <p>17 you're looking to use those certifications in</p> <p>18 way that they're not designed to be used.</p> <p>19 Q. I'm sure that was an answer to a</p> <p>20 question. I don't think most of that was an</p> <p>21 answer to my question. Let me move on, though.</p> <p>22 Did you refer in your earlier answer</p> <p>23 to Matt Bond as being one of your counterparts?</p> <p>24 Did I hear you correctly?</p> <p>25 A. Well, when he was the assistant</p>	<p style="text-align: right;">Page 87</p> <p>1 Pasquarello</p> <p>2 director, yes. But he was my subordinate when</p> <p>3 there I was, but he wasn't assistant director of</p> <p>4 the department before I got there.</p> <p>5 Q. And did he maintain that title as</p> <p>6 assistant director after you started your</p> <p>7 employment?</p> <p>8 A. No.</p> <p>9 Q. What did his title change to?</p> <p>10 A. I don't know when it changed but he</p> <p>11 was manager as far as I know.</p> <p>12 Q. Was that a demotion from assistant</p> <p>13 director?</p> <p>14 A. I would assume, yes.</p> <p>15 Q. Do you know who demoted him?</p> <p>16 A. No.</p> <p>17 Q. Did that demotion or that position</p> <p>18 change occur before you got to Crothall?</p> <p>19 A. Yes.</p> <p>20 MR. CLARK: We have been going a</p> <p>21 while. I think now is a good time for a</p> <p>22 break so everybody can get water and use</p> <p>23 the facilities. Does that work for you,</p> <p>24 Mr. Pasquarello?</p> <p>25 THE WITNESS: That's fine.</p>
<p style="text-align: right;">Page 88</p> <p>1 Pasquarello</p> <p>2 MR. CLARK: Okay. Let's --</p> <p>3 THE VIDEOGRAPHER: The time is</p> <p>4 11:29 a.m., and we are going off the</p> <p>5 record.</p> <p>6 (Recess from 11:29 to 11:40.)</p> <p>7 THE VIDEOGRAPHER: The time is</p> <p>8 11:40 a.m., and we are back on the record.</p> <p>9 Q. Mr. Pasquarello, welcome back from</p> <p>10 break. While he were on that ten-minute break,</p> <p>11 did you review any documents?</p> <p>12 A. No.</p> <p>13 Q. Did you speak with anybody about this</p> <p>14 deposition?</p> <p>15 A. I spoke with Leah for a second.</p> <p>16 Q. Did you speak with anybody else?</p> <p>17 A. No.</p> <p>18 Q. You're familiar with the term</p> <p>19 "impairment" as is used in the fire safety</p> <p>20 department at Crothall?</p> <p>21 A. Yes.</p> <p>22 Q. What does that term mean?</p> <p>23 A. An impairment of a system means that</p> <p>24 there's some part of the system that's either</p> <p>25 bypassed or not functioning properly. It's --</p>	<p style="text-align: right;">Page 89</p> <p>1 Pasquarello</p> <p>2 what's another word for impaired? Not working</p> <p>3 at the moment. It doesn't necessarily mean it's</p> <p>4 broken. We could have bypassed it ourselves.</p> <p>5 But that's an impairment.</p> <p>6 Q. When an impairment occurs on one of</p> <p>7 the fire systems, are there steps that the fire</p> <p>8 safety department must take?</p> <p>9 A. Yes.</p> <p>10 Q. What are those steps?</p> <p>11 A. Well, it depends on the impairment.</p> <p>12 So an ILSM would be a step we would take.</p> <p>13 Again, depending on the impairment, certain</p> <p>14 notifications would have to be made. So</p> <p>15 notifications, inspection of the area, and an</p> <p>16 ILSM, if needed.</p> <p>17 Q. Who needed to be notified of an</p> <p>18 impairment?</p> <p>19 A. Well, it would depend on the</p> <p>20 impairment we're talking about. Some</p> <p>21 impairments don't need any outside</p> <p>22 notifications. Some impairments needs the fire</p> <p>23 department to have notifications. Those are the</p> <p>24 ones that are required by code.</p> <p>25 Q. Are there any other external parties</p>

<p style="text-align: right;">Page 90</p> <p>1 Pasquarello</p> <p>2 that need to be notified of any type of</p> <p>3 impairment, other than the FDNY?</p> <p>4 A. Not by the fire code, but as a</p> <p>5 practice, some insurance companies ask to be</p> <p>6 notified of certain types of impairments.</p> <p>7 Q. Do you know if Crothall's or Mount</p> <p>8 Sinai's insurance carrier asks to be notified of</p> <p>9 impairments?</p> <p>10 A. Yes, they have -- at the time I was</p> <p>11 there they have FM Global, and FM Global asked</p> <p>12 to be notified of impairments.</p> <p>13 Q. When did you first learn that FM</p> <p>14 Global wanted to be notified of impairments?</p> <p>15 A. I used -- well, I used -- FM Global</p> <p>16 was also the insurer of my previous employer, so</p> <p>17 I knew FM Global's requirements for</p> <p>18 notifications.</p> <p>19 Q. So is it accurate that as of the time</p> <p>20 you started at Crothall, you were aware that FM</p> <p>21 Global required notification for certain</p> <p>22 impairments?</p> <p>23 A. Yes.</p> <p>24 Q. We talked earlier about Mr. Bond, who</p> <p>25 you supervised during your employment. Do you</p>	<p style="text-align: right;">Page 91</p> <p>1 Pasquarello</p> <p>2 know how old Mr. Bond is?</p> <p>3 A. I believe he turned 30 while I was</p> <p>4 there.</p> <p>5 Q. During the time that you supervised</p> <p>6 Mr. Bond, how was his performance?</p> <p>7 A. He needed -- he needed work.</p> <p>8 Satisfactory in some areas. Very poor in</p> <p>9 others.</p> <p>10 Q. In what areas was he very poor?</p> <p>11 A. His time management skills were</p> <p>12 lacking. Really, he didn't focus well on -- on</p> <p>13 more than one task at a time. Obviously he was</p> <p>14 missing documentation. He was very good at</p> <p>15 hiding that fact, but he was missing it. It</p> <p>16 was -- I would say his -- his biggest problem</p> <p>17 was time management and commitment to the -- to</p> <p>18 the task at hand.</p> <p>19 Q. Were there other areas of his</p> <p>20 performance that he needed improvement in?</p> <p>21 A. His leadership abilities, I tried</p> <p>22 talking to him about how to handle staff. He --</p> <p>23 he often would get in a situation where they</p> <p>24 were very dismissive and condescending of him,</p> <p>25 and I would try to help him develop the -- the</p>
<p style="text-align: right;">Page 92</p> <p>1 Pasquarello</p> <p>2 persona of a boss, if you will, or of a leader.</p> <p>3 And I told him the best way to do that</p> <p>4 is to be as competent in your position as</p> <p>5 possible, and never ask your staff to do what</p> <p>6 you can and don't know how. I said that will go</p> <p>7 a long way to helping you. But he needed -- he</p> <p>8 still needs help -- well, he needs to mature in</p> <p>9 his role as a leader.</p> <p>10 Q. Are there any other areas of</p> <p>11 Mr. Bond's performance that were deficient?</p> <p>12 A. Leadership. As -- as I'm being</p> <p>13 questioned, nothing else is coming to my head.</p> <p>14 But if I think of something, I'll mention it,</p> <p>15 but as of now that's what I think.</p> <p>16 Q. Did you take steps during your</p> <p>17 employment or your management of Mr. Bond to</p> <p>18 address his deficiencies with him?</p> <p>19 A. Yes. I would have one-on-one meetings</p> <p>20 with him. I -- I would send him emails. I</p> <p>21 would try and give him tools to help him stay on</p> <p>22 track. I -- I -- I remember giving him certain</p> <p>23 sheets that were broken down by the hour,</p> <p>24 unlike, you know, set aside, you know, X amount</p> <p>25 of hours whatever you need a day to go through</p>	<p style="text-align: right;">Page 93</p> <p>1 Pasquarello</p> <p>2 your emails, do that once or twice a day during</p> <p>3 the beginning and the end. Don't worry so much</p> <p>4 in the middle.</p> <p>5 Take time every day to -- to go over</p> <p>6 the -- the TeamDocs stuff, the -- the TeamOps</p> <p>7 stuff, what needs follow-up. You know, flag</p> <p>8 things that needed follow-up. I worked with</p> <p>9 Matt a lot to try and bring him along in his --</p> <p>10 in his time management and multitasking skills.</p> <p>11 Q. Did you ever formally or informally</p> <p>12 discipline him?</p> <p>13 A. Informally, yeah, I would tell him,</p> <p>14 Matt, you have to get better at this, you know.</p> <p>15 You're a reflection of me. We have to get this</p> <p>16 department to the next level. I -- you know, I</p> <p>17 need your help. I need the help of my</p> <p>18 management team to do that.</p> <p>19 And formally I went to Mike several</p> <p>20 times to try and bring Matt to the next -- after</p> <p>21 coaching didn't work, after talks like that</p> <p>22 didn't work, emails, aids, then I asked if I</p> <p>23 could put Matt on a PIP. And Mike didn't</p> <p>24 endorse the -- the PIP that I presented to him</p> <p>25 to -- to put Matt on.</p>

<p style="text-align: right;">Page 94</p> <p>1 Pasquarello</p> <p>2 Q. You said in your answer that you told</p> <p>3 Mr. Bond that he was a reflection on you. What</p> <p>4 did you mean by that?</p> <p>5 A. Well, he worked for me. It was my</p> <p>6 department, fire safety was my department, I</p> <p>7 take that very personal and serious. And I</p> <p>8 don't like leading what's not a professional</p> <p>9 well-run machine. And I did -- you know, Matt</p> <p>10 needed some work to -- to get to my</p> <p>11 expectations. It just -- he -- he didn't</p> <p>12 display or exhibit the desire to do that.</p> <p>13 I can't guess as to why he didn't, but</p> <p>14 there was -- he -- he didn't have that</p> <p>15 motivation and drive to get himself to the next</p> <p>16 level, in my opinion.</p> <p>17 MR. CLARK: Okay. Zack, let's mark</p> <p>18 Exhibit 2. I'll ask Zack to put it in the</p> <p>19 chat, and, again, I'll put it up on my</p> <p>20 screen. Exhibit 2 is a series of emails</p> <p>21 bearing Bates number CH 1233 through</p> <p>22 CH 1236.</p> <p>23 Q. And, again, Mr. Pasquarello, like last</p> <p>24 time, it will be available to you as a PDF in</p> <p>25 the chat, and I am going to put it up on my</p>	<p style="text-align: right;">Page 95</p> <p>1 Pasquarello</p> <p>2 screen as well. Take a look at it, and let me</p> <p>3 know if it's something you recognize once you've</p> <p>4 reviewed it.</p> <p>5 (Series of emails bearing Bates stamp</p> <p>6 CH 1233 through CH 1236 was marked</p> <p>7 Pasquarello Exhibit 2 for identification,</p> <p>8 as of this date.)</p> <p>9 Q. And please let me know, if you're</p> <p>10 looking on my screen, if you'd like me to scroll</p> <p>11 through the document since you could only see a</p> <p>12 piece of it.</p> <p>13 A. I thought I was looking on my screen</p> <p>14 but I guess it's yours.</p> <p>15 Q. So I'm happy to scroll through the</p> <p>16 document if that's easy for you, and you can</p> <p>17 just tell me when to move. Or if you want to</p> <p>18 download it out of the chat and move at your</p> <p>19 convenience, you could do that as well.</p> <p>20 A. Are you moving it right now, or is it</p> <p>21 just moving?</p> <p>22 Q. That's me. I'm moving it up and down.</p> <p>23 A. I thought maybe I had a delay going.</p> <p>24 Let me see if I can get it back up. All right.</p> <p>25 I got it. It's a little easy for me to first</p>
<p style="text-align: right;">Page 96</p> <p>1 Pasquarello</p> <p>2 review this way, and then get back to you and go</p> <p>3 through it with you.</p> <p>4 (Witness reviewing document.)</p> <p>5 A. Okay. I reviewed -- I read through</p> <p>6 them.</p> <p>7 Q. Okay. Are these emails that you</p> <p>8 received during your employment at Crothall?</p> <p>9 A. Well, I -- well, sent and received,</p> <p>10 yes.</p> <p>11 Q. I notice you have a mountsinai.org</p> <p>12 email address on these emails. Why is that?</p> <p>13 A. Because the -- the contract was Mount</p> <p>14 Sinai.</p> <p>15 Q. And were you the assistant director of</p> <p>16 fire safety for Mount Sinai Hospital?</p> <p>17 A. Well, in essence, yes, but I worked</p> <p>18 for Crothall Healthcare.</p> <p>19 Q. All right. I want to focus on parts</p> <p>20 of this email, and I'll scroll to them on my</p> <p>21 screen or you can scroll to them in the PDF if</p> <p>22 you have that separate open. But let's start</p> <p>23 with the April 22, 2020 email that Mike Roche</p> <p>24 sent to you at the bottom of the first page of</p> <p>25 the exhibit.</p>	<p style="text-align: right;">Page 97</p> <p>1 Pasquarello</p> <p>2 A. Okay.</p> <p>3 Q. You with me?</p> <p>4 A. Yes.</p> <p>5 Q. In the last sentence on that page, he</p> <p>6 writes: You have now been here for over six</p> <p>7 months, the department should be running much</p> <p>8 more smoothly than it is.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you agree with that sentiment that</p> <p>12 the department as of April 22, 2020 should have</p> <p>13 been running more smoothly?</p> <p>14 A. In certain aspects, yes. In certain</p> <p>15 aspects, no.</p> <p>16 Q. In what aspects do you believe the</p> <p>17 department should have been running more</p> <p>18 smoothly?</p> <p>19 A. At that time I was still training the</p> <p>20 staff on how to properly do their jobs. At that</p> <p>21 time I was still -- well, as the email before</p> <p>22 showed, I was still trying to help Matt develop</p> <p>23 time management and prioritizing skills.</p> <p>24 We were running without a direct --</p> <p>25 well, without a manager for the staff, so</p>

<p style="text-align: right;">Page 98</p> <p>1 Pasquarello</p> <p>2 although -- that work was on my shoulders. I</p> <p>3 know in this he also says -- I was going to do</p> <p>4 Terrain's jobs but there were some parts of</p> <p>5 Terrain's that were at -- what would the right</p> <p>6 word be?</p> <p>7 Like paperwork, administrative. So I</p> <p>8 thought it was best to have Matt just</p> <p>9 concentrate on administrative stuff, and I would</p> <p>10 concentrate on the others. So that -- I</p> <p>11 disagreed with, you know, some of this letter,</p> <p>12 or this email.</p> <p>13 You know, so we -- we were a ship that</p> <p>14 was being corrected. Was it a hundred percent</p> <p>15 corrected at that point, absolutely not, but it</p> <p>16 was well on its way. So, you know, later on I</p> <p>17 had asked when was your expectations done.</p> <p>18 Because it -- with six months in, you know, I</p> <p>19 was down a manager and we were in the beginning</p> <p>20 of a major pandemic. So it's -- you know, I --</p> <p>21 I took his next sentence to -- to mean, you</p> <p>22 know, we still had work to do but we're getting</p> <p>23 there.</p> <p>24 Q. By "his next sentence," you're</p> <p>25 referring to the statement where he says: I am</p>	<p style="text-align: right;">Page 99</p> <p>1 Pasquarello</p> <p>2 not happy with where we are and it needs to be</p> <p>3 improved?</p> <p>4 Strike that. Let me read it -- let me</p> <p>5 read it more correctly.</p> <p>6 By "the next sentence" are you</p> <p>7 referring to: I am not happy with where we are</p> <p>8 and it needs to improve?</p> <p>9 A. No. I would go to the next -- next</p> <p>10 page.</p> <p>11 Q. Okay. Let me -- let me stop at the</p> <p>12 sentence I just read for a moment. Were you</p> <p>13 happy with where the department was as of</p> <p>14 April 22, 2020?</p> <p>15 A. No, I wasn't.</p> <p>16 Q. In the paragraph that's preceding the</p> <p>17 paragraph we were just looking at, the last two</p> <p>18 lines, Mr. Roche writes to you: Matt's failures</p> <p>19 are a reflection of the department's failures,</p> <p>20 not his alone. Anything he does not accomplish</p> <p>21 reflects poorly on you.</p> <p>22 Do you see that?</p> <p>23 A. Absolutely. I just said that to you a</p> <p>24 moment ago.</p> <p>25 Q. And did you --</p>
<p style="text-align: right;">Page 100</p> <p>1 Pasquarello</p> <p>2 A. I --</p> <p>3 Q. Sorry. Go ahead.</p> <p>4 A. No, no. Go ahead.</p> <p>5 Q. Did you understand that as of</p> <p>6 April 22, 2020, that Mr. Roche would hold you</p> <p>7 accountable for Mr. Bond's failures?</p> <p>8 A. He was holding me accountable for</p> <p>9 Mr. Bond's failures before this email. So, yes,</p> <p>10 I knew I was being held accountable for</p> <p>11 Mr. Roche -- Mr. Bond's failures.</p> <p>12 Q. On the next page of the document, let</p> <p>13 me scroll down a bit on my screen so you can see</p> <p>14 it, or you can follow along on the separate PDF</p> <p>15 you might have downloaded. I'm looking</p> <p>16 beginning on the second line, at the top of the</p> <p>17 second page. It says: The AD's role is to</p> <p>18 accomplish all tasks under the department, not</p> <p>19 just recognize what needs to be done. If it's</p> <p>20 not moving, you need to roll your sleeves up and</p> <p>21 get it done however necessary.</p> <p>22 Do you see that?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Does "AD" in that sentence refer to</p> <p>25 assistant director?</p>	<p style="text-align: right;">Page 101</p> <p>1 Pasquarello</p> <p>2 A. Yes.</p> <p>3 Q. That -- that's you, right?</p> <p>4 A. Yes.</p> <p>5 Q. Did you understand as of the date of</p> <p>6 this email that Mr. Roche expected you to pick</p> <p>7 up the slack of your subordinates if they were</p> <p>8 falling behind?</p> <p>9 A. Yes. I -- I completely understood</p> <p>10 that, and I had a conversation with him after</p> <p>11 this email regarding exactly what he was saying,</p> <p>12 that I -- it's probably best if I answer your</p> <p>13 questions, more than me just going on right now.</p> <p>14 Q. Are you done with your answer?</p> <p>15 A. For -- for what you asked, yes.</p> <p>16 Q. Do you believe that you rolled your</p> <p>17 sleeves up and got the necessary tasks done</p> <p>18 following your receipt of this email?</p> <p>19 A. Absolutely.</p> <p>20 Q. You responded to this April 22 email,</p> <p>21 right?</p> <p>22 Strike that. Let me ask it</p> <p>23 differently.</p> <p>24 The -- the email at the top of the</p> <p>25 first page of this exhibit is an email from you</p>

<p style="text-align: right;">Page 102</p> <p>1 Pasquarello</p> <p>2 to Mr. Roche on April 25, 2020; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. In the first paragraph of that email,</p> <p>5 again, at the top of Exhibit 2, you wrote,</p> <p>6 referring to Mr. Bond: I'm not putting him on</p> <p>7 and don't want this considered a development</p> <p>8 plan at this time.</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Why didn't you want to put Mr. Bond on</p> <p>12 a development plan?</p> <p>13 A. Well, I was only there a couple of</p> <p>14 months, so at that point I wanted to mentor him</p> <p>15 more than discipline him, if you will. And I</p> <p>16 felt if we made a formal thing, it would be</p> <p>17 first steps in discipline. And I wasn't there</p> <p>18 long enough at that point to want to do that to</p> <p>19 a -- to Matt. I thought he had the -- the</p> <p>20 potential, if you will, to learn. So that --</p> <p>21 that's where that came from.</p> <p>22 But I did put him on a plan, and, you</p> <p>23 know, as we progressed more and more into it and</p> <p>24 I seen that my efforts to develop him and my</p> <p>25 need to continue rolling up my sleeves to do</p>	<p style="text-align: right;">Page 103</p> <p>1 Pasquarello</p> <p>2 subordinate's work was getting inordinate, and</p> <p>3 the fact that Michael wouldn't allow me to hire</p> <p>4 the help that the department needed got me to</p> <p>5 the next level where I wanted it to be formal.</p> <p>6 Q. In the next paragraph of the email</p> <p>7 we're looking at on Exhibit 2, you write: I'm</p> <p>8 going to be more firm on documenting and/or</p> <p>9 write-ups for missed deadlines.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Why did you write that?</p> <p>13 A. Not sure what was going through my</p> <p>14 mind at that moment, but just that I'm feeling</p> <p>15 if the way that -- I don't know why I wrote</p> <p>16 that. It's more that I would be more hands-on</p> <p>17 on missed deadlines. And -- and I don't believe</p> <p>18 I was talking strictly about Matt on this. I</p> <p>19 believe that was more in general for the</p> <p>20 department.</p> <p>21 Because if you see the next line, I</p> <p>22 believe keeping a manager between me and the</p> <p>23 marshals makes it a -- clear that a call from me</p> <p>24 is an escalation within the chain of command.</p> <p>25 I needed somebody -- I feel as -- as</p>
<p style="text-align: right;">Page 104</p> <p>1 Pasquarello</p> <p>2 a -- a department head, you need that chain of</p> <p>3 command. So if you're -- if you're not getting</p> <p>4 it done -- and this goes back to my statements</p> <p>5 about trying to help Matt become a leader, when</p> <p>6 you get a call from me, we're already past that,</p> <p>7 and it would result in -- in documentation or a</p> <p>8 write-up. So that -- that's where that was</p> <p>9 coming from.</p> <p>10 Q. Did you believe it was important for</p> <p>11 Mr. Bond and other members of the fire safety</p> <p>12 department to meet deadlines?</p> <p>13 A. Of course.</p> <p>14 Q. Why?</p> <p>15 A. Because when you miss deadlines, the</p> <p>16 work just keeps piling up on you. You know, so</p> <p>17 you're -- if something has to be taken care of</p> <p>18 this month and you don't get it done, and then</p> <p>19 next month I got twice the work to do. So, I</p> <p>20 mean, just from a practical standpoint, you</p> <p>21 should meet your deadlines.</p> <p>22 You know, even if the deadline is a</p> <p>23 self-imposed deadline, you should give</p> <p>24 yourself -- and this is what I was trying to</p> <p>25 teach Matt with the 30-, 60-, 90-day plan. Even</p>	<p style="text-align: right;">Page 105</p> <p>1 Pasquarello</p> <p>2 if you give yourself a deadline, it might be</p> <p>3 before -- well, it should always be before the</p> <p>4 actual deadline from the system, but that will</p> <p>5 keep you ahead of the game. And that...</p> <p>6 Q. In your opinion, was it important to</p> <p>7 document the instances when Matt or somebody</p> <p>8 else that you managed missed their deadlines?</p> <p>9 A. We started doing email after that, so</p> <p>10 you could see one of the lower emails where I</p> <p>11 would start sending out what was needed before</p> <p>12 the end of the month to -- to -- as an attempt</p> <p>13 to keep everybody on track and documenting.</p> <p>14 Q. And why do you think it was important</p> <p>15 to document where the department was in terms of</p> <p>16 its deadlines?</p> <p>17 A. Not -- if you could rephrase that,</p> <p>18 that would be better.</p> <p>19 Q. Sure.</p> <p>20 You referred to -- let's scroll down</p> <p>21 there to an email lower down in this chain,</p> <p>22 where you sent -- on April 22, 2020, you sent an</p> <p>23 email to a number of folks, saying: All below</p> <p>24 is what's incomplete as of this morning in</p> <p>25 maintenance connection.</p>

<p style="text-align: right;">Page 106</p> <p>1 Pasquarello</p> <p>2 You see where I'm looking?</p> <p>3 A. Yes, that's what I was referring to.</p> <p>4 Q. Why did you send this email?</p> <p>5 A. To be more hands-on, roll up my</p> <p>6 sleeves and have the -- the staff know where we</p> <p>7 were. So I started giving them mid-month and</p> <p>8 end-of-month reminders of where we need to be.</p> <p>9 So that -- that was a -- a tool for me to use to</p> <p>10 document that we see where we are, let the team</p> <p>11 see where we are, and get things done.</p> <p>12 Q. In the second sentence of the email</p> <p>13 we're looking at from you, you write: If unable</p> <p>14 to complete by the 15th, a written explanation</p> <p>15 as to the delay with a proposed date of</p> <p>16 completion needs to be provided.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Why did you need an explanation and a</p> <p>20 proposed date?</p> <p>21 A. To keep people on track. To let</p> <p>22 the -- let me know why you couldn't get it done</p> <p>23 by the 15th. What happened. What was going on.</p> <p>24 Q. Do you believe it's important for a</p> <p>25 manager to keep his or her subordinates on</p>	<p style="text-align: right;">Page 107</p> <p>1 Pasquarello</p> <p>2 track?</p> <p>3 A. I do. That's why I provided this tool</p> <p>4 to keep them on track.</p> <p>5 Q. Did Mr. Bond miss any deadlines after</p> <p>6 your last email in this chain on April 25, 2020?</p> <p>7 MS. SELIGER: Objection.</p> <p>8 A. I -- I would -- listen, everybody</p> <p>9 misses deadlines from time to time. So I would</p> <p>10 say, yes, he has missed deadlines. Were they,</p> <p>11 you know, blatant deadlines on certain things</p> <p>12 like the PMS, or -- or something like that? I</p> <p>13 don't believe so, because I know my PMS were</p> <p>14 closed on time consistently.</p> <p>15 You know, but were deadlines missed?</p> <p>16 I'm sure deadlines were missed. I mean, I don't</p> <p>17 know anybody who never misses a deadline. You</p> <p>18 know, it was a very fluent time in the hospital.</p> <p>19 You know, we were working during the most</p> <p>20 unprecedented time in healthcare.</p> <p>21 So was a deadline missed because</p> <p>22 something else took priority? I'm pretty sure</p> <p>23 it did. Could I give you an example? Probably</p> <p>24 not off the top of my head. But I would say</p> <p>25 it's a safe bet we missed a deadline or two.</p>
<p style="text-align: right;">Page 108</p> <p>1 Pasquarello</p> <p>2 Q. Did you document any missed deadlines</p> <p>3 that Mr. Bond had after April 25, 2020?</p> <p>4 A. I don't recall.</p> <p>5 Q. At some point was Mr. Bond placed on a</p> <p>6 performance improvement plan?</p> <p>7 A. No. I brought it to Mike for his</p> <p>8 endorsement and review, and -- and he didn't</p> <p>9 want to review it or endorse it.</p> <p>10 Q. Was it necessary for Mike Roche to</p> <p>11 review and sign off on a performance improvement</p> <p>12 plan for your subordinate?</p> <p>13 A. Well, I only did one other, and he was</p> <p>14 fully involved with that one, so I assume that</p> <p>15 was what he wanted, yes. So if he agreed with</p> <p>16 it or supported it, he would have been involved.</p> <p>17 Q. Who was the other person that you</p> <p>18 placed on a performance improvement plan?</p> <p>19 A. Joe Jerrain.</p> <p>20 Q. When you discussed the idea of placing</p> <p>21 Mr. Bond on a performance improvement plan with</p> <p>22 Mr. Roche, did you ask him if you could put one</p> <p>23 in place regardless of whether he agreed with it</p> <p>24 or not?</p> <p>25 A. I didn't ask that, but I -- I knew I</p>	<p style="text-align: right;">Page 109</p> <p>1 Pasquarello</p> <p>2 could. I told him I felt uncomfortable due to</p> <p>3 their personal relationship to put him on a</p> <p>4 performance plan. I believed then and I believe</p> <p>5 now that their -- that the relationship between</p> <p>6 the younger employees was a tight one, and then</p> <p>7 all that would have did was accelerate the</p> <p>8 inevitable way Mike was trying to force me out.</p> <p>9 Q. Did you discuss with anybody in human</p> <p>10 resources your idea to put Mr. Bond on a</p> <p>11 performance improvement plan?</p> <p>12 A. I'm sure that must have been part of</p> <p>13 my conversations with Patty Lizarazo, but I</p> <p>14 don't recall exactly how much detail I went</p> <p>15 into, but I know I've mentioned it.</p> <p>16 Q. When did you and Ms. Lizarazo discuss</p> <p>17 putting Mr. Bond on a performance improvement</p> <p>18 plan?</p> <p>19 A. I don't remember if it was our first</p> <p>20 or second meeting.</p> <p>21 Q. Was that first or second meeting while</p> <p>22 you were still supervising Mr. Bond?</p> <p>23 A. Yes. Well, I wouldn't put him on a</p> <p>24 plan if he wasn't my subordinate anymore.</p> <p>25 Q. And what did Ms. Lizarazo say in</p>

<p style="text-align: right;">Page 110</p> <p>1 Pasquarello</p> <p>2 response to your proposal to put Mr. Bond on a</p> <p>3 performance improvement plan?</p> <p>4 A. It wasn't that she said anything. She</p> <p>5 was just listening and taking notes. She didn't</p> <p>6 advise me either way.</p> <p>7 Q. Did you ask her whether you could put</p> <p>8 Mr. Bond on a performance improvement plan</p> <p>9 without the support of Mr. Roche?</p> <p>10 A. No. I told her that I was</p> <p>11 uncomfortable putting him on a plan because of</p> <p>12 Mr. Roche's relationship with the younger</p> <p>13 members of the team.</p> <p>14 Q. And what did she say in response to</p> <p>15 that?</p> <p>16 A. She didn't. She just took it as a no.</p> <p>17 Q. Did you discuss your idea to put</p> <p>18 Mr. Bond on a performance improvement plan with</p> <p>19 anybody else at Crothall or Mount Sinai?</p> <p>20 A. Bob Shaffer.</p> <p>21 Q. And when did you have that discussion</p> <p>22 with Bob Shaffer?</p> <p>23 A. All around the same time. I don't</p> <p>24 recall exactly when it was.</p> <p>25 Q. What did you say to Mr. Shaffer about</p>	<p style="text-align: right;">Page 111</p> <p>1 Pasquarello</p> <p>2 putting Mr. Bond on a performance improvement</p> <p>3 plan?</p> <p>4 A. That I wrote a plan and I gave it to</p> <p>5 Mike, and he wouldn't endorse it.</p> <p>6 Q. And what did Mr. Shaffer say in</p> <p>7 response?</p> <p>8 A. That kid should have been fired years</p> <p>9 ago.</p> <p>10 Q. As the assistant director in fire</p> <p>11 safety, did you have the power to hire and fire</p> <p>12 folks who reported to you?</p> <p>13 A. Well, I -- I did the interview</p> <p>14 process, so yes, I made the recommendations to</p> <p>15 hire, and then I also made recommendations to</p> <p>16 fire. I don't know if it was necessarily my</p> <p>17 power to do so. I believed it more as my</p> <p>18 recommendations to do so. I believe HR has the</p> <p>19 power to hire and fire.</p> <p>20 Q. Did you make the recommendation to</p> <p>21 fire Mr. Bond to anybody at Crothall or Mount</p> <p>22 Sinai?</p> <p>23 A. Did I? No. That was Bob's statement,</p> <p>24 not mine.</p> <p>25 Q. Did you agree with that statement?</p>
<p style="text-align: right;">Page 112</p> <p>1 Pasquarello</p> <p>2 A. I agreed with it, but it wasn't my</p> <p>3 decision to make.</p> <p>4 Q. Was it your recommendation to make?</p> <p>5 A. No, because it goes back to the same</p> <p>6 thing. I wouldn't have recommended firing</p> <p>7 somebody until I exhausted every aspect of</p> <p>8 trying to train them and coach them. Matt still</p> <p>9 had steps that could have been taken to train</p> <p>10 and coach him. Instead of doing that, Mike just</p> <p>11 transferred him out of one department and</p> <p>12 actually created a position for him in another.</p> <p>13 The -- the protection was astonishing.</p> <p>14 Q. Other than Roche, Lizarazo, and</p> <p>15 Shaffer, did you speak with anybody else about</p> <p>16 your plan or proposal to put Mr. Bond on a</p> <p>17 performance improvement plan?</p> <p>18 A. Not that I recall, no.</p> <p>19 Q. The position that Mr. Bond transferred</p> <p>20 to out of the fire safety department, what</p> <p>21 position was that?</p> <p>22 A. It was a hybrid position. Like I</p> <p>23 said, it was developed just to get him to move</p> <p>24 out of the department. So he was taking over</p> <p>25 work control, which is the -- the part of the</p>	<p style="text-align: right;">Page 113</p> <p>1 Pasquarello</p> <p>2 hospital or part of the system that puts out the</p> <p>3 work orders. So his job now was to make -- to</p> <p>4 give everybody their work orders and to track</p> <p>5 that system.</p> <p>6 That was a significant demotion from</p> <p>7 fire safety manager, if you will, so they were</p> <p>8 adding into that more computer-based work with</p> <p>9 the TeamOps and TeamDocs for the other</p> <p>10 department.</p> <p>11 So it -- it wasn't a clearly defined</p> <p>12 role to any of us. I don't know what kind of</p> <p>13 job description, if any, they gave him for the</p> <p>14 new role.</p> <p>15 But I do know who he replaced, and</p> <p>16 work control would have been considered a -- a</p> <p>17 demotion from fire safety manager. And to keep</p> <p>18 the title manager and I guess his salary, they</p> <p>19 added that extra responsibility of keeping</p> <p>20 TeamDocs and TeamOps for the whole department of</p> <p>21 engineering.</p> <p>22 So I -- I don't know exactly more than</p> <p>23 those two roles what he did, but it was all</p> <p>24 administrative based on work orders and the</p> <p>25 TeamOp, TeamDoc system.</p>

<p style="text-align: right;">Page 114</p> <p>1 Pasquarello</p> <p>2 Q. And in your mind, that transfer from</p> <p>3 fire safety to that new role was a demotion?</p> <p>4 A. It was not in my mind. In everybody's</p> <p>5 mind, yeah, it was a demotion.</p> <p>6 Q. So is it accurate that Mr. Bond has</p> <p>7 been twice demoted, that you're aware of, once</p> <p>8 from assistant director to fire safety manager</p> <p>9 and once from fire safety manager to that new</p> <p>10 position?</p> <p>11 A. No, I believe that new position in</p> <p>12 Matt's view, or even in anybody else's view, was</p> <p>13 to shield him from the shortcomings that were</p> <p>14 coming up with the TeamDoc review, that was his</p> <p>15 shortcomings that were -- were put to me. So it</p> <p>16 was a way to shield him, not demote him.</p> <p>17 And -- and it was just a place to put</p> <p>18 him until they ultimately were able to get rid</p> <p>19 of me. That's my belief why they did it.</p> <p>20 Because that position itself certainly didn't</p> <p>21 require the -- somebody with Matt's background</p> <p>22 up and to that point.</p> <p>23 Q. You told me earlier that you worked</p> <p>24 with Mike Roche to place Mr. Jerrain on a</p> <p>25 performance improvement plan; is that right?</p>	<p style="text-align: right;">Page 115</p> <p>1 Pasquarello</p> <p>2 A. Yes.</p> <p>3 Q. Why was Mr. Jerrain placed on a</p> <p>4 performance improvement plan?</p> <p>5 A. Joe was -- I believe Joe was having a</p> <p>6 hard time transitioning from his previous role</p> <p>7 to -- to management and new technologies and the</p> <p>8 stuff that comes with that, and -- and he needed</p> <p>9 time to grow in the position and -- and learn it</p> <p>10 in not such a -- a busy atmosphere, and</p> <p>11 certainly not in a -- such a dynamically</p> <p>12 changing atmosphere as was going on in -- in the</p> <p>13 beginning and midst of the COVID pandemic.</p> <p>14 So at -- at one point after constant</p> <p>15 coaching and we put Joe on the plan, which,</p> <p>16 again, was completely endorsed and helped --</p> <p>17 Michael helped me write it. He had Omelfi</p> <p>18 Garcia, who was his office manager at the time,</p> <p>19 help me draft it. Me and Michael sat down</p> <p>20 together to -- to finalize it, and then put Joe</p> <p>21 on it.</p> <p>22 At some point Michael wanted to fire</p> <p>23 Joseph, and I was adamant that he did not</p> <p>24 deserve it. He was hired. He never lied on his</p> <p>25 resume. He never lied about his background. He</p>
<p style="text-align: right;">Page 116</p> <p>1 Pasquarello</p> <p>2 needed to be trained. He was a good,</p> <p>3 hardworking man that needed -- that could get to</p> <p>4 the next step. He just couldn't do it there.</p> <p>5 And I had asked through Michael and</p> <p>6 then Bob if there was another place to put him,</p> <p>7 and it turned out that they were able to</p> <p>8 transfer him to a -- in a meeting with Bob,</p> <p>9 Chris Hariegal, and Michael, he was offered a</p> <p>10 transfer to a -- a one-building hospital to</p> <p>11 Queens -- Mount Sinai Queens, and he's doing</p> <p>12 very well. He -- Joe would call me in the</p> <p>13 beginning almost daily, then it went to weekly,</p> <p>14 then it went to monthly, and then it tapered</p> <p>15 off.</p> <p>16 So I was helping him in his new role</p> <p>17 on -- on a continuing basis. He -- he would</p> <p>18 call me for questions. How do I do this? How</p> <p>19 do I do that? What's the right way to do this?</p> <p>20 How do I implement that? So I continued</p> <p>21 coaching him even after he left my department,</p> <p>22 and -- and I'm happy to say Joe's -- reputation</p> <p>23 wide is supposedly doing very well.</p> <p>24 Q. Was Mr. Jerrain's transfer to the</p> <p>25 other location a demotion, in your mind?</p>	<p style="text-align: right;">Page 117</p> <p>1 Pasquarello</p> <p>2 A. No, I don't see it as a demotion for</p> <p>3 him. He -- he kept his salary. He kept his</p> <p>4 title. He just went to a smaller hospital. It</p> <p>5 was -- it was a lateral move to -- an analogy, I</p> <p>6 don't know, what's an analogy?</p> <p>7 I mean, you're a professional ball</p> <p>8 player and -- and you're having trouble</p> <p>9 developing, so they put you in the minors for a</p> <p>10 couple of months and see if they could develop</p> <p>11 you and bring you back up to the majors. Maybe</p> <p>12 I would look at it like that.</p> <p>13 I certainly wouldn't think Joe was</p> <p>14 being cast aside, at least I hope he wasn't,</p> <p>15 because my intent was to -- to advocate for him</p> <p>16 not to be. It was just the way to get him in a</p> <p>17 smaller atmosphere where he could get his feet</p> <p>18 under him. He didn't have to deal with the</p> <p>19 staff. He didn't have to deal with the unions.</p> <p>20 He didn't have to deal with all that other</p> <p>21 stuff. He could concentrate on learning fire</p> <p>22 safety from a more granular aspect.</p> <p>23 So, no, it wasn't a demotion. It was</p> <p>24 just a -- a move to a smaller place that's easy</p> <p>25 to learn.</p>

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2 Q. Switch gears for a second. I'm going

3 to flip back to Exhibit 1, and I'm going to show

4 it to you on my screen. You can look at it.

5 And if you've downloaded it, you can look at it

6 in the separate PDF as well. Whatever is easier

7 for you.

8 A. Downloaded it, because I think it just

9 pops up on the thing here.

10 Q. Well, if you could see -- I mean,

11 sorry, I didn't actually share my screen. Let

12 me share my screen. If you could see my screen,

13 let me know if you can. I'm going to focus on

14 just one bullet, so maybe it's easier to look at

15 it that way. Can you see my screen?

16 A. Yes, I see your screen.

17 Q. So I'm looking at Exhibit 1, page

18 CH 1665, this is the job description we looked

19 at earlier, and I want to focus on the third

20 bullet down that begins: Oversees and manages

21 programs to respond and clear FDNY and ECB

22 violations.

23 Do you see that?

24 A. Yes.

25 Q. What is ECB?

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2 a summons or a violation?

3 A. No. That would have been legal. That

4 was never my position.

5 Q. During your employment with Crothall

6 did anybody ever ask you to submit a response or

7 documentation to help address a summons or a

8 violation from either the FDNY or the ECB or any

9 other city agency?

10 A. Yeah, it was a normal part of -- of

11 the department's responsibilities, but the

12 weird -- well -- yeah, weird I guess is a good

13 way to say it. Not all of them come directly to

14 me. So sometimes they would come through

15 Crothall. Sometimes they would come to a

16 different part of the hospital and they were

17 rerouted to me. So I would voluntarily tell you

18 that sometimes the responses came after a

19 deadline, but that's only because the summons

20 itself came to me after a deadline. It's not

21 something you know is coming, so it's something

22 that shows up.

23 When they would directly hand it to my

24 staff or myself, they were, you know, responded

25 within a day or two because it's easy enough to

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2 A. I believe it's environmental control

3 board.

4 Q. Can you explain to me what this duty

5 entailed.

6 A. Yeah, that would be -- I'll go more

7 with the FDNY because ECB violations would go

8 more to environmental health and safety, so I

9 would work through them to clear those

10 violations.

11 But a fire department violation, let's

12 say they came in and there was -- well, they

13 responded to an alarm. They responded to more

14 than one in a month and they were both

15 unfounded, we would get a summons from the fire

16 department, and we would have to explain to them

17 what the -- was.

18 So you write a letter. You send it to

19 legal, and then legal brings it to -- I don't

20 know if they ever really go to court with them,

21 but let's say they went to court with them. So

22 we would provide the answer that they need to

23 answer the summons.

24 Q. Were you ever required to show up in

25 court or at an administrative agency to address

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2 do. It's almost a cut-and-paste response. All

3 you're doing is clarifying what the issue was.

4 But if it didn't come directly through

5 fire safety and it came through other means,

6 it -- it's hard to know if anything was -- was

7 delayed or missed because it might have never

8 got to us.

9 Q. Did you respond to all of the

10 summonses and violations that came to your

11 attention?

12 A. All the ones that came to my

13 attention, yes. They either came directly to me

14 or they came through Matt. Matt -- Matt filled

15 out a lot of them. I -- he didn't have a

16 problem with those per se. They would come in,

17 like I said, it's a form letter, you just add in

18 the different response, and you sent it back to

19 legal.

20 So that was something that came, and

21 as soon as -- like I said before, it's easy to

22 handle something as soon as it comes than to

23 procrastinate with it because then it either

24 gets lost in the shuffle or it piles up.

25 So the way I handle them, if they came

<p style="text-align: right;">Page 122</p> <p>1 Pasquarello</p> <p>2 to my desk, I signed it and sent it back --</p> <p>3 well, not signed it. I put the accompanying</p> <p>4 document with it. It's usually a letter and</p> <p>5 then a certificate of correction, which is just</p> <p>6 a -- a notarized thing that the -- the expeditor</p> <p>7 would use. And they would actually notarize it</p> <p>8 for you. You just sent it back with the packet.</p> <p>9 MR. CLARK: So let's mark as Exhibit 3</p> <p>10 a nine-page document bearing Bates stamp</p> <p>11 number CH 1223 through CH 1231. I'm going</p> <p>12 to ask Zack to put it in the chat for you,</p> <p>13 and I'm going to share my screen.</p> <p>14 Q. It is a multi-page document, so,</p> <p>15 Mr. Pasquarello, if you're using my screen</p> <p>16 version, if you want me to scroll through, I'm</p> <p>17 happy to do it, just please ask me.</p> <p>18 (Emails and attachments bearing Bates</p> <p>19 stamp CH 1223 through CH 1231 was marked</p> <p>20 Pasquarello Exhibit 3 for identification,</p> <p>21 as of this date.)</p> <p>22 A. Okay. I'll check it first, and I'll</p> <p>23 jump back.</p> <p>24 Q. Okay. So take a look at the document,</p> <p>25 and let me know when you're done. And my</p>	<p style="text-align: right;">Page 123</p> <p>1 Pasquarello</p> <p>2 question is going to be, do you recognize this</p> <p>3 series of emails?</p> <p>4 (Witness reviewing document.)</p> <p>5 A. Obviously, there's more than that one.</p> <p>6 So I think I might be able to talk to</p> <p>7 this. I went through it. I'm not sure I know</p> <p>8 what your question is.</p> <p>9 Q. Well, my first question is, do you</p> <p>10 recognize the series of emails and attachments</p> <p>11 that are shown in Exhibit 3?</p> <p>12 A. I don't remember -- I don't recall all</p> <p>13 the attachments or emails, but this one that</p> <p>14 we're looking at obviously came directly to me</p> <p>15 and I see it.</p> <p>16 Q. Okay. So the one we're looking at on</p> <p>17 the top of the first page of Exhibit 3, page</p> <p>18 CH 1223, is an email from Mike Roche to you on</p> <p>19 September 25, 2020. You're looking at the same</p> <p>20 email I'm looking at?</p> <p>21 A. I am.</p> <p>22 Q. Okay. And it says: Joe, the attached</p> <p>23 violation was sent to you on the -- on</p> <p>24 June 10th. The hearing was September 11, '20</p> <p>25 and no one showed up so we got a \$4800 fine.</p>
<p style="text-align: right;">Page 124</p> <p>1 Pasquarello</p> <p>2 Please let me know if you took any steps to</p> <p>3 prevent this.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Let me scroll to the next page of the</p> <p>7 document, which is an email that was attached to</p> <p>8 that previous email, and it's an email from</p> <p>9 Mr. Roche to you with a series of attachments</p> <p>10 that says Number 4 in the body of the email. Do</p> <p>11 you see that?</p> <p>12 A. Yeah, that one I don't recall but,</p> <p>13 okay.</p> <p>14 Q. Do you see in the bolded line that</p> <p>15 says Attachments at the top of this page 2 of</p> <p>16 the exhibit, 1224 Bates stamp, that there are</p> <p>17 two, three summonses -- sorry, four summonses</p> <p>18 listed in the attachments?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall receiving this email on</p> <p>21 June 10, 2020 from Mr. Roche?</p> <p>22 A. I don't recall it but I'm not saying I</p> <p>23 didn't receive it.</p> <p>24 Q. All right. If you scroll down further</p> <p>25 in the exhibit, you'll see a notice from the</p>	<p style="text-align: right;">Page 125</p> <p>1 Pasquarello</p> <p>2 City of New York OATH Hearings Division dated</p> <p>3 June 10th. Do you see that?</p> <p>4 A. I see that.</p> <p>5 Q. Okay. That's page 1226. And then</p> <p>6 there is an NYC serve violation copy, which</p> <p>7 looks to be a summons from the Department of</p> <p>8 Environmental Protection. Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. Do you recall receiving the notice</p> <p>11 from OATH and the citation from the Department</p> <p>12 of Environmental Protection?</p> <p>13 A. I don't, but I can tell you if I did</p> <p>14 receive these, I would have forwarded them to</p> <p>15 environmental health and safety. This isn't one</p> <p>16 of my summonses. This is for asbestos control.</p> <p>17 This has nothing to do with fire safety.</p> <p>18 Q. So going back to the first page of the</p> <p>19 exhibit, the email from Mr. Roche to you on</p> <p>20 September 25, 2020, Mr. Roche asks you: Please</p> <p>21 let me know if you took any steps to prevent</p> <p>22 this.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Did you respond to this email?</p>

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2 A. I don't recall. I'm sure I answered

3 him because I don't think he would have let me

4 not answer him. But based on what I'm looking

5 at here, it wasn't one of our summonses so I

6 would have told him I forwarded it to EH and S

7 if that's what I received.

8 Q. Do you have a specific recollection of

9 telling Mr. Roche that this was not one of your

10 summonses?

11 A. I don't. I don't. And I don't ever

12 remember this becoming an issue up to this

13 second. But to say no one showed up, I'm hoping

14 that's not implying I was supposed to go

15 somewhere, because that would be misleading. I

16 never show up for the summonses. We don't go to

17 court. That wasn't our job. And, again, this

18 is an environmental summons, not a fire alarm

19 summons, so it would have went to EH and S.

20 Q. When you received the email that's

21 depicted on the second page of the exhibit on

22 June 10, 2020, do you recall if you responded

23 and said, This summons doesn't relate to fire

24 safety?

25 MS. SELIGER: Objection.

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2 in the September 25, 2020 email on the first

3 page of this exhibit?

4 A. Again, that's a misleading gotcha type

5 of sentence. They would have been able -- they

6 would have been required to pay the fine if

7 somebody was there or not. You're not going to

8 get away with an asbestos not being -- not

9 allowing an asbestos inspector to inspect and

10 not pay a fine. Would it have been reduced? I

11 have no idea. But the fine is the fine.

12 So to turn around and say, No one

13 showed up and we got a fine, Mike, you got the

14 fine when you got the summons. So don't try and

15 spin this as if, Oh, you didn't send an answer,

16 because I'm sure I sent the answer and it was

17 probably not the answer he wanted, that it was a

18 \$4800 fine attached to it. That's -- the fine

19 is when you got that summons. If -- if there

20 was a reason you got the summons, which I'm sure

21 there was, they don't usually just hand them

22 out, you would have paid the fine.

23 So, you know, yes, I -- it's a

24 misleading statement, the way it's worded there.

25 No one showed up and we got a fine. You got the

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2 A. I -- I can't believe I didn't. I

3 don't see my response here. So, you know, I

4 can't say, Oh, absolutely. But there's no way I

5 would have got an email from my boss saying

6 what's going on here and not have answered it.

7 So, yes, I'm sure I answered him, and I'm sure

8 when I read the summons, I said, This is not our

9 summons, Mike. This goes to EH and S.

10 Q. Do you have a specific recollection of

11 sending an email to that effect to Mr. Roche?

12 A. I don't have a specific recollection

13 of one email for one summons, where we receive

14 hundreds of them, almost two years ago. I mean,

15 I'm sorry, I don't.

16 Q. Would you be surprised if there wasn't

17 a response from you to the June 10, 2020 email?

18 A. I would be extremely surprised I

19 didn't answer my boss who was asking me a

20 specific question. And I would be more

21 surprised Mike didn't jump on it if that was the

22 case. So I believe I answered him. I must have

23 answered him.

24 Q. Do you know if Mount Sinai was

25 required to pay the \$4800 fine that's referenced

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2 fine when you got the summons. Nobody showing

3 up is legal. Why didn't legal come to us

4 before -- between June and September and say,

5 Hey, I need an answer for this, and -- you know,

6 double-check? So I'm being held to a standard

7 from a department when I'm providing an answer,

8 and the answer to this particular summons is,

9 it's not my department's summons. It's EH and

10 S. It's an ECB summons.

11 So I'm not -- I can't keep talking to

12 what another department would have did. That,

13 again, is ultimately under Michael Roche, so it

14 wasn't me that dropped the ball on this one. It

15 was him.

16 Q. In the job description bullet that we

17 looked at a moment ago, do you have any

18 understanding of why it refers to managing

19 programs to respond to ECB violations?

20 A. If an ECB violation came through that

21 had a fire safety component to it, it would come

22 to me, so, yes, I would be responsible to

23 answering one that has a fire safety component

24 to it. Short of that, it wouldn't be mine.

25 There are multiple departments in the hospital

<p style="text-align: right;">Page 130</p> <p>1 Pasquarello</p> <p>2 to handle multiple things. EH and S would</p> <p>3 handle anything to do with those type of</p> <p>4 situations, asbestos, party rentals. I mean,</p> <p>5 that wouldn't be me.</p> <p>6 Maybe the party rental would come to</p> <p>7 me -- because I notice one of those was that.</p> <p>8 If it was blocking something, maybe it was</p> <p>9 blocking an egress path and -- and the guy gave</p> <p>10 us a summons for that. And I would answer the</p> <p>11 summons basically if it was, in fact, blocking</p> <p>12 the egress path, yes, it was blocking the egress</p> <p>13 path and here is the company that installed it.</p> <p>14 And they would subrogate, you know, the -- the</p> <p>15 fine that way.</p> <p>16 But, otherwise, you know, you're not</p> <p>17 answering these summonses to -- to get these</p> <p>18 fines dismissed necessarily. Most of the times</p> <p>19 they're -- you know, you hope to get something</p> <p>20 reduced, or you're answering it so that, you</p> <p>21 know, attorneys could subrogate the losses back</p> <p>22 to multiple parties.</p> <p>23 It's never -- I shouldn't say never</p> <p>24 but it's very rare summonses are just dismissed,</p> <p>25 because, you know, he gave you the summons for a</p>	<p style="text-align: right;">Page 131</p> <p>1 Pasquarello</p> <p>2 reason. What's the answer to the reason. The</p> <p>3 answer to this one is, it has nothing to do with</p> <p>4 fire safety so I would have sent it back.</p> <p>5 Q. In your experience addressing the</p> <p>6 summonses that do relate to fire safety, could</p> <p>7 you argue that a fine be reduced or directed to</p> <p>8 another party at the hearing?</p> <p>9 A. Well, again, I wouldn't be the one</p> <p>10 going to the hearing. I would provide that</p> <p>11 information in the letter that we would send</p> <p>12 with the certificate of correction if it indeed</p> <p>13 was something I needed to correct, but usually</p> <p>14 they are to the expediter, whether that is an</p> <p>15 attorney or an expediter, I don't really know.</p> <p>16 I've never face to face met these people. It's</p> <p>17 always through emails.</p> <p>18 But, yeah, like -- so I could give you</p> <p>19 an example of -- fire department showed up for</p> <p>20 an unwarranted alarm today. Contractor was</p> <p>21 doing work, didn't tell anybody about it, and</p> <p>22 they set off the smoke detector through dust or</p> <p>23 overspray, for example, right? A week later</p> <p>24 another alarm comes in, so now you got two</p> <p>25 within the timeframe, the fire department is</p>
<p style="text-align: right;">Page 132</p> <p>1 Pasquarello</p> <p>2 going to give you a summons, right?</p> <p>3 I can argue that the second summons</p> <p>4 was the result of, say, a pull station, and the</p> <p>5 fire department inputs it and we get a</p> <p>6 violation. Well, you can't give me a violation</p> <p>7 for a pull station. So I'll turn around and</p> <p>8 say, A pull station should be a 1092, a</p> <p>9 malicious false alarm, and therefore you can't</p> <p>10 hold the hospital responsible for a -- for a</p> <p>11 criminal act by somebody, you know -- persons</p> <p>12 known or -- you know, persons unknown committed.</p> <p>13 So that would be a way I can argue</p> <p>14 that, Well, they did show up twice. The judge</p> <p>15 might turn around and say, All right, the pull</p> <p>16 station we're going to have to let this one go.</p> <p>17 They are not going to pay it.</p> <p>18 But it was two detections from</p> <p>19 contractor error or lack of notification to take</p> <p>20 a point off. You're going to pay that fine.</p> <p>21 But I can turn around and say to the attorneys,</p> <p>22 Well, this contractor didn't notify fire safety</p> <p>23 and they got overspray in the smoke detector</p> <p>24 from painting, because this actually happened,</p> <p>25 some of the tanks in the -- in the Annenberg</p>	<p style="text-align: right;">Page 133</p> <p>1 Pasquarello</p> <p>2 machine room.</p> <p>3 And then a week later, the same</p> <p>4 contractor turned around and did it in a</p> <p>5 different part of the hospital, the fire</p> <p>6 department showed up two times, and we got a</p> <p>7 summons for it. Yeah, subrogate that summons</p> <p>8 back to this company. And if you take my</p> <p>9 recommendation, don't use this company no more</p> <p>10 because they're not notifying us when they're</p> <p>11 doing work, and it's costing us money. Because</p> <p>12 each time they did that I had to change the</p> <p>13 smoke heads. We -- we had to put in work</p> <p>14 because the overspray wasn't good, so we had to</p> <p>15 have Piro fix it.</p> <p>16 So these things happen, and, you know,</p> <p>17 that's how I would subrogate or advise who you</p> <p>18 can subrogate to. But losing a summons</p> <p>19 altogether or having it dismissed outright, very</p> <p>20 rare that happens because, you know, things</p> <p>21 happen. It's a very large metropolitan hospital</p> <p>22 with a lot of things going on at once, you're</p> <p>23 going to get summonses, you know. But to say no</p> <p>24 one showed up, that -- that's not a shame on me.</p> <p>25 I'm not the person who is supposed to show up.</p>

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2 Q. Did you tell Mr. Roche that you were

3 not the person who was supposed to show up for

4 the hearing on September 11, 2020?

5 A. I'm sure I did, and I know for a fact

6 he knows that.

7 MR. CLARK: Let's mark the next

8 exhibit, Exhibit 4. Zack, if you could

9 drop it in the chat, and I'll share my

10 screen as well. Exhibit 4 is a multi-page

11 email bearing Bates stamp number CH 1247

12 through CH 1249.

13 (Multi-page email bearing Bates stamp

14 CH 1247 through CH 1249 was marked

15 Pasquarello Exhibit 4 for identification,

16 as of this date.)

17 Q. Mr. Pasquarello, I'm sharing my screen

18 which has a piece of Exhibit 4 on it. And you

19 should be able to get access to the entirety of

20 Exhibit 4 by downloading it through the chat.

21 So take a look at Exhibit 4. Let me know if you

22 need me to scroll through it. And my question

23 will be, once you've had a chance to review it,

24 whether you recognize this series of emails.

25 (Witness reviewing document.)

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2 or received during your employment?

3 A. Yeah, I mean, I wouldn't say somebody

4 false -- you know, you can't do that. So, yeah,

5 I would agree that these are emails that came

6 and went through.

7 Q. Okay. So let's start from the bottom,

8 the first email in this chain, which begins on

9 the bottom of page 1248 Bates stamp number and

10 continues on to 1249.

11 A. Uh-huh.

12 Q. Before I ask about -- strike that.

13 In this first email that we're looking

14 at, the one that begins: Good afternoon.

15 Attached is the catalog.

16 A. Right.

17 Q. Mr. Bond asks Rick Cotter about a

18 delayed door closure. Do you see that?

19 A. I do.

20 Q. Okay. What is a delayed door closer?

21 A. You know what a door check is?

22 Q. I don't.

23 A. All right. You know doors that

24 self-close, there's a big mechanism on the top

25 of a door that has an arm, so the door will open

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2 A. I looked at it.

3 Q. Okay. Do you recognize this series of

4 emails that are shown on Exhibit 4?

5 A. I'm -- I believe these emails are in

6 relationship to delayed closes on doors that

7 lead to the -- the waste rooms down in the --

8 the service corridor level. I don't see any

9 further information on here, but that's my

10 recollection of where we installed delayed

11 closers.

12 Q. The --

13 A. So if not this email, then I'm not

14 familiar with it, but I believe delayed closers

15 were for the terminal chute rooms is what

16 they're called, and that's where the -- the

17 trash comes down into the -- the large hoppers

18 and then gets removed from the hospital.

19 Q. The emails that are shown in

20 Exhibit 4, are these emails that you either sent

21 or received in -- well, they're spread out

22 amongst the dates so let me ask that

23 differently.

24 The emails that are shown in

25 Exhibit 4, are these emails that you either sent

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2 and the arm brings it back closed. All right?

3 So the delayed door closer would open, it would

4 hesitate a moment, and then start to close.

5 So that's -- it's a door closer. It's

6 like any other door check. It just has a

7 mechanism where there's a delay. Could be up to

8 30 seconds. It's not, you know, a prolonged

9 delay but it's a delay --

10 Q. Who is Rick Cotter? Do you know that

11 person?

12 A. Yeah, I do. Rick Cotter is their

13 Joint Commission consultant.

14 Q. Is he a Mount Sinai employee?

15 A. No.

16 Q. Is he an outside consultant?

17 A. Yes.

18 Q. So Mr. Cotter responds to Mr. Bond on

19 November 26, 2019, and he says: Hi, Matt. If

20 it is simply a delayed closure, which it looks

21 like, then go forth and install.

22 Do you see that?

23 A. I do.

24 Q. And then if we scroll up more,

25 Mr. Bond forwarded this email to Michael Roche,

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2 with a copy to you, Robert Denver, and Douglas

3 Rome. Do you see that?

4 A. I do.

5 Q. Who is Robert Denver?

6 A. He is another assistant director in

7 the department.

8 Q. Does he also report -- strike that.

9 Did he also report to Mr. Roche as of

10 November 2019?

11 A. Yes. The -- the three people on this

12 are all Mr. Roche's direct reports, and they're

13 all part of what we call "the clique."

14 Q. What was Douglas Rome's title?

15 A. He was another assistant director.

16 Q. He is --

17 A. So Bob and Doug split -- split the --

18 the basic -- how do I put it? There's the fire

19 life safety or the life safety components of the

20 hospital that are under my purview, and then

21 there's the rest of the maintenance in the

22 hospital that's under Bobby and Doug's purview,

23 and they would split it into two areas. I don't

24 recall exactly how they split it, if they split

25 it into healthcare and non-healthcare, but they

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2 A. I do.

3 Q. Okay. And that's November 26, 2019,

4 right?

5 A. Okay.

6 Q. You see that?

7 A. If that's what it is, yeah, I see it.

8 November 26, 2019. So I was there a couple of

9 weeks.

10 Q. Okay. If we keep scrolling up, the

11 next email in this chain is February 10, 2020

12 from Robert Denver. You see it?

13 A. Yes.

14 Q. And Mr. Bond, you, Mr. Rome, and

15 Mr. Roche are all in the "to" and "cc" lines.

16 Do you see that?

17 A. I do.

18 Q. And Mr. Denver is asking you and

19 Mr. Bond, who are in the "to" line: Guys, was

20 this complete?

21 You see that?

22 A. I do.

23 Q. As of February 10, 2020 was the

24 installation of these delayed door closers

25 complete?

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2 split the hospital between the two of them.

3 So I would be responsible to fix fire

4 doors or rated doors. They would be

5 responsible, say, to fix all other types of

6 doors. That's just an example.

7 Q. Does the fact that --

8 Sorry. Go ahead.

9 A. No. I didn't really have anything to

10 add.

11 Q. Does the fact that Mr. Bond commenced

12 this email chain suggest to you that the project

13 he was talking about was a fire safety project?

14 A. I'm familiar with this project, yes.

15 It wasn't so much a fire safety project, but it

16 was a fire door. It was a rated door on the

17 chute rooms. So there was a lot of discussions

18 about these, not just this email. I -- I

19 remember this, so we can talk about it. You ask

20 a question, I'll answer you.

21 Q. Okay. So if we scroll up further in

22 the email chain, Mr. Roche responds to

23 Mr. Bond's email, and he writes: Great. Please

24 proceed with the install.

25 Do you see that?

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2 A. I don't believe so, because there was

3 issues with that.

4 Q. What were the issues?

5 A. If they were legal enough to do. I

6 was still researching at that point if we can

7 put a delayed closure on those types of doors.

8 So when this came to my attention, I said, Slow

9 down. You can't just put a delayed closer on a

10 door that's meant to keep fire in a terminal

11 chute room. So let's find out if we can even do

12 this before we do it. So there was a delay

13 because of that, it needed more research.

14 Q. Who did that research?

15 A. I was doing that research. I was

16 talking on the phone with Rick Cotter about it.

17 And I was talking with the alarm company,

18 talking about putting the doors on -- on magnets

19 instead. And they then -- that would have been

20 the right way to do it or the -- the safest way

21 to do it, if you will.

22 But I was told in these meetings,

23 because we used to have meetings sitting in a

24 room with the four of five of us, actually more

25 than that, and the doors -- these would come up

<p style="text-align: right;">Page 142</p> <p>1 Pasquarello</p> <p>2 quite often, What are we doing with it?</p> <p>3 And they're, like, No, the hospital</p> <p>4 don't want that open because, you know, they</p> <p>5 could smell -- it was the service corridor. So</p> <p>6 they removed the magnets, and they wanted these</p> <p>7 delayed closers.</p> <p>8 And then there was an issue with, they</p> <p>9 would break them because they would prop open</p> <p>10 the doors, the environmental health and safety.</p> <p>11 And because of the cost associated, I -- I was</p> <p>12 making suggestions that we should first verify</p> <p>13 who in environmental safety is breaking the</p> <p>14 existing closers and wedging the doors open and</p> <p>15 take appropriate measures there, before putting</p> <p>16 a closer that's going to not really serve the</p> <p>17 purpose that they want anyway.</p> <p>18 So this whole project was nothing but</p> <p>19 a waste of money for the hospital, that Michael</p> <p>20 and Bob Denver and Douglas Rome pushed through,</p> <p>21 in my case -- in my opinion, erroneously. But</p> <p>22 they -- we installed it, we had it installed --</p> <p>23 ultimately installed before the Joint</p> <p>24 Commission, and they would break almost</p> <p>25 instantly. But that's -- that's the background</p>	<p style="text-align: right;">Page 143</p> <p>1 Pasquarello</p> <p>2 on these delayed door closers.</p> <p>3 Q. You told me earlier that you had to</p> <p>4 conduct some research to know whether these</p> <p>5 delayed door closers were proper or legal. When</p> <p>6 did you begin that research?</p> <p>7 A. When I became aware of it. If it was</p> <p>8 February, I don't know exactly when. But I do</p> <p>9 know that you can't put a delay closer on those</p> <p>10 type of doors. And like I said, they pushed</p> <p>11 through this project against my -- against my</p> <p>12 advice.</p> <p>13 Q. So the first several emails in this</p> <p>14 chain are all from November 26, 2019. Is that</p> <p>15 when you began the research?</p> <p>16 A. Could you scroll back up? Because</p> <p>17 I --</p> <p>18 Q. Sure.</p> <p>19 A. -- I don't believe I started it</p> <p>20 that -- that quickly. Because you're seeing I'm</p> <p>21 not on that first email. So when -- when do I</p> <p>22 even start getting involved in this? It was</p> <p>23 late November. Through Bobby: Please see Rick</p> <p>24 Cotter's response below. And then I started</p> <p>25 voicing my concern about it.</p>
<p style="text-align: right;">Page 144</p> <p>1 Pasquarello</p> <p>2 And like I said, we would have</p> <p>3 meetings on the Cotter report they called it,</p> <p>4 and my attitude or my professional opinion is,</p> <p>5 you don't put those kind of closers on these</p> <p>6 kind of doors. Mike overrode my opinion, and</p> <p>7 ultimately we put the closers on.</p> <p>8 Q. So Mr. Roche told you and Mr. Bond to</p> <p>9 proceed with the install as of November 26,</p> <p>10 2019; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. Why did it -- strike that.</p> <p>13 Why as of February 10 had the install</p> <p>14 not already happened if on November 26 your</p> <p>15 supervisor had told you to proceed with the</p> <p>16 install?</p> <p>17 A. Because I went to my supervisor after</p> <p>18 that meeting, and I said, Michael, we can't put</p> <p>19 these type of closers on those doors. They're</p> <p>20 not code compliant. They -- they need to close</p> <p>21 to contain the fire if one was to happen in a</p> <p>22 chute, in the terminal chute room. And he, as</p> <p>23 he often did, disregarded the advice of the</p> <p>24 subject matter expert and went ahead and</p> <p>25 insisted on it being installed.</p>	<p style="text-align: right;">Page 145</p> <p>1 Pasquarello</p> <p>2 Bobby then -- this email that you're</p> <p>3 looking at from February, I don't know if he</p> <p>4 knew I had the conversation with Mike or not at</p> <p>5 that point. But I do know I had the</p> <p>6 conversation with him, and I do know that the</p> <p>7 delayed closer was not a code compliant device</p> <p>8 for terminal chute rooms.</p> <p>9 So it -- that I know, and that I know</p> <p>10 I spoke to him about, because I'm very familiar</p> <p>11 with this. Because ultimately, I did it under</p> <p>12 protest, those were my words to Michael. I</p> <p>13 said, Michael, I'll have Brand install them, but</p> <p>14 it's under protest, they're not right. They</p> <p>15 should be tied into the fire alarm if you want</p> <p>16 these doors to stay open.</p> <p>17 And he's, like, Just do it. This is</p> <p>18 what the hospital wants. So we did it. And</p> <p>19 they broke within weeks of being installed</p> <p>20 because, you know, it didn't alleviate the</p> <p>21 problem of having the doors propped open for the</p> <p>22 environmental services team to retrieve and</p> <p>23 place new bins. They would take out the full</p> <p>24 bins and put in the new -- you know, empty bins.</p> <p>25 So they were still wedging the doors</p>

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2 open, and instead of breaking, you know, a

3 reasonably priced device, now they were breaking

4 a very expensive device. But either way it

5 didn't solve the problem. And I told him

6 straight out that it wasn't the right way to do

7 it. The magnet was the right way to do it.

8 Q. Did you say the hospital requested

9 these door closers?

10 A. I think Michael told me the hospital

11 requested it. I don't have -- I don't know if

12 that to be the truth or not.

13 Q. Let's take a look at the first email

14 in this chain. Mr. Bond says: The hospital is

15 looking to mitigate the constant destruction of

16 terminal chute room doors. Do you see any

17 issues with installing such closers to the chute

18 room doors?

19 Do you see that?

20 A. I do.

21 Q. The hospital is Crothall's client,

22 right?

23 A. Yes.

24 Q. And where Mr. Bond asked, Do you see

25 any issues with installing such closers to the

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2 discussion, because this was a very detailed and

3 long process.

4 Q. In response to Mr. Denver's email

5 saying, Guys, was this complete, you wrote on

6 February 10, 2020: I'll check and let you know

7 ASAP.

8 Do you see that?

9 A. I do.

10 Q. Do you know why you didn't know as of

11 February 10, 2020 whether the job was complete?

12 A. No. I -- you know, I would have to

13 walk and see every door if that was the case.

14 So I -- I'll let you know. I know at that point

15 they must have -- I don't know if I knew at that

16 point if they were doing it or not. I do know I

17 was still voicing concern even after they were

18 installed. I don't remember exactly when they

19 were installed.

20 Q. And the very first email in the

21 exhibit, which is the most recent email,

22 Mr. Roche writes just to you: Joe, this was

23 requested in November of last year. Please

24 ensure it is completed by October 16, '20. Let

25 me know ahead of that date if there will be any

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2 chute room doors --

3 A. Right.

4 Q. -- he asked that of Mr. Cotter, and

5 Mr. Cotter says: No issue.

6 Right?

7 A. That's what Cotter said, yes.

8 Q. Anywhere in this email chain did you

9 express your objection or issues with installing

10 these delayed door closers?

11 A. If it's -- I don't know if this is the

12 entire chain, but I know I verbally said it to

13 all of them. It was part of a meeting where I

14 was, like, You got to be kidding me, you are

15 going to put delayed closers on fire doors.

16 Q. I don't think you answered my

17 question. Anywhere in this email chain did you

18 express your objection --

19 A. I said not in this email --

20 Q. -- or any issues with --

21 A. No, I -- I said not in this email

22 chain, I don't see an answer to that. I don't

23 know if this is the entire email chain, though,

24 either. I do know that this may or may not be

25 the entire email chain for this -- this

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2 issue getting this completed.

3 You see that?

4 A. I do.

5 Q. Was the install of the delayed door

6 closers completed by October 16?

7 A. I don't know.

8 Q. Do you recall if you let Mr. Roche

9 know that the project would be delayed for any

10 reason?

11 MS. SELIGER: Objection.

12 A. I don't know. As far as I know, it

13 could have been installed. I don't remember. I

14 know that ultimately these closers were put on

15 against my -- you know, against my objections

16 they were done. So they were done. Were they

17 done by October 16? I would be guessing. I

18 don't remember when they were exactly finalized.

19 Q. Is the reason that closers weren't

20 installed between November and February because

21 you had objections to them?

22 MS. SELIGER: Objection.

23 A. I don't know that either. I know my

24 objection was overruled by Michael, so I

25 wouldn't -- I don't know that answer.

<p style="text-align: right;">Page 150</p> <p>1 Pasquarello</p> <p>2 Q. When in time was your objection</p> <p>3 overruled by Michael?</p> <p>4 A. He had in his head he was going to do</p> <p>5 it all along. There was no convincing him</p> <p>6 otherwise. He -- like I said, he didn't take --</p> <p>7 he did not take my advice on this.</p> <p>8 Q. As of November 2019 was it clear to</p> <p>9 you that your objection had been overruled?</p> <p>10 MS. SELIGER: Objection.</p> <p>11 A. I don't remember the day I felt my</p> <p>12 objection was overruled.</p> <p>13 Q. Between November 2019 and February</p> <p>14 2020 did you ever check with Mr. Bond to</p> <p>15 determine whether the project had been</p> <p>16 completed?</p> <p>17 A. I don't recall.</p> <p>18 Q. Do you recall if you documented his</p> <p>19 failure to meet any deadlines on this project?</p> <p>20 A. No, I don't recall. Because this --</p> <p>21 it -- I don't recall if there was any delays. I</p> <p>22 do know that the doors were compliant and that</p> <p>23 the -- the closers they were asking for had</p> <p>24 nothing to do with the safety and compliance of</p> <p>25 the doors. The doors were working fine. They</p>	<p style="text-align: right;">Page 151</p> <p>1 Pasquarello</p> <p>2 just wanted these other install -- devices</p> <p>3 installed.</p> <p>4 So, you know, part of my argument was,</p> <p>5 There's no rush on this. The doors are working.</p> <p>6 Let's -- let's make sure we're not putting the</p> <p>7 hospital under risk, make sure that these are</p> <p>8 right. And if they really want them to stay</p> <p>9 open, the right way to do it is to put them on a</p> <p>10 magnet and have that magnet tied into the fire</p> <p>11 alarm. That -- that's the right way to have</p> <p>12 done that project.</p> <p>13 We ultimately -- like I said, I was</p> <p>14 overruled by my boss. He wanted it, and they</p> <p>15 went through -- I believe Brand was the company</p> <p>16 that installed it. So I remember who installed</p> <p>17 them. I don't remember when. And I do remember</p> <p>18 that the same problem started happening, they</p> <p>19 were wedging the doors open. The arms were</p> <p>20 bending. The arms were breaking, and they had</p> <p>21 to be replaced again. And they wound up getting</p> <p>22 replaced with the old ones that didn't delay,</p> <p>23 because it didn't solve of the problem.</p> <p>24 But that's -- you know, sometimes to</p> <p>25 be a subject matter expert you have to tell the</p>
<p style="text-align: right;">Page 152</p> <p>1 Pasquarello</p> <p>2 client, That's not the right way to do it. And</p> <p>3 Michael didn't seem to do that at this --</p> <p>4 especially with this -- this project.</p> <p>5 Q. Did you receive written performance</p> <p>6 reviews while you were employed at Crothall?</p> <p>7 A. I'm sure -- yeah, I'm sure I did.</p> <p>8 Q. How often did you receive those -- I'm</p> <p>9 sorry. Go ahead.</p> <p>10 A. One or two of them, to be honest with</p> <p>11 you.</p> <p>12 Q. Were they on some regular cadence?</p> <p>13 A. Yearly, yeah, so I -- like I said, I</p> <p>14 wasn't there a full two years so I don't think I</p> <p>15 received a second one. And I don't remember if</p> <p>16 I received one, like, two or three months into</p> <p>17 my employment. I -- I don't recall. But I know</p> <p>18 I received one of them.</p> <p>19 MR. CLARK: Okay. Let's mark as</p> <p>20 Exhibit 5 a one-page document. At the top</p> <p>21 the title says Year End Process. And it</p> <p>22 bears Bates stamp number, bear with me a</p> <p>23 moment, CH 1677. Again, I'll ask my</p> <p>24 colleague to drop it in the chat, and I</p> <p>25 will share my screen with Exhibit 5.</p>	<p style="text-align: right;">Page 153</p> <p>1 Pasquarello</p> <p>2 (Year End Process bearing Bates stamp</p> <p>3 CH 1677 was marked Pasquarello Exhibit 5</p> <p>4 for identification, as of this date.)</p> <p>5 Q. Okay. Mr. Pasquarello, hopefully you</p> <p>6 can see my screen. If you want to read it</p> <p>7 there, I'm happy to scroll for you. Or you can</p> <p>8 read it by downloading the document in the chat.</p> <p>9 Take a look at this document, and let me know</p> <p>10 when you're done. My question will be, do you</p> <p>11 recognize it?</p> <p>12 (Witness reviewing document.)</p> <p>13 A. Okay.</p> <p>14 Q. Is this document, Exhibit 5, one of</p> <p>15 the written performance reviews that you</p> <p>16 received while you were employed at Crothall?</p> <p>17 A. Yes.</p> <p>18 Q. If you look at the bottom of the page,</p> <p>19 you'll see two signatures. Is that your</p> <p>20 signature above the line that says Associate</p> <p>21 Signature?</p> <p>22 A. Yes.</p> <p>23 Q. And whose signature is above the line</p> <p>24 that says Manager Signature?</p> <p>25 A. That's Mike Roche's.</p>

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2 Q. All right. And did you receive this

3 document on or around October 29, 2020?

4 A. Yes. This is the -- the one that I

5 was referring to. I don't remember getting more

6 than one but I do remember this one.

7 Q. Did Mr. Roche present this document to

8 you?

9 A. Yes.

10 Q. And how did he do that?

11 A. Informally quick in his office, just

12 one -- maybe the whole thing took five minutes,

13 if that.

14 Q. Did he say anything to you when he

15 presented the document to you?

16 A. No. Like I said, it really went very

17 quickly.

18 Q. Did you say anything to him after you

19 received the document?

20 A. I -- I did point out a couple of

21 things about systems and -- and stuff that, you

22 know, was more different departments that needed

23 that understanding. But it -- that was all I

24 really said when it came to this. I didn't -- I

25 didn't agree fully with the -- the assessment.

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1 Pasquarello

2 manager or director. This is the job of the

3 plumbing systems. Or you hire an outside vendor

4 with the proper licensing, master fire

5 suppression license, to do this. This isn't --

6 he wasn't referring to knowing the difference

7 between zone valves and colors and stuff that

8 fire safety personnel know about suppression

9 systems.

10 He was going into the weeds, as he

11 puts it in another part of this, I need to get

12 more into the weeds on things. No, you don't

13 act outside your title. That's -- I'm a big

14 believer in that. You don't act to be an expert

15 in a field that requires its own certifications

16 and licenses. This is one of the things that

17 Bob Shaffer used to supposedly stand up for me

18 and fire safety regarding.

19 So that's -- that's what this is

20 referring to, and that was the objection I

21 raised. But, again, the whole thing took about

22 five minutes. He wasn't really hearing it. I

23 understood that. And that -- that was my yearly

24 review. You know, the joke was at the end, he

25 goes, Don't worry about it, you're still getting

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1 Pasquarello

2 But, you know, if that was his assessment with

3 me at the time, that was it.

4 Q. You said you pointed out a couple

5 things. What specifically did you point out to

6 Mr. Roche in this meeting where he presented

7 this document to you?

8 A. Well, when he said, He has a lot to

9 learn about fire protection systems and needed

10 to fully understand in the coming year, this was

11 one of the arguments that I would have with

12 Michael over -- over the different roles between

13 what fire safety should be responsible for and

14 what other departments and engineering, namely

15 plumbing, should be responsible for.

16 So I told him that I have an

17 understanding of fire protection systems. It's

18 not my place to know what every valve in the

19 system is. It's not my place to know the

20 shut-down sequence and drain-down sequence of

21 this -- these systems. He had a different

22 understanding of that, and that was one of

23 our -- one of the things I felt he was holding

24 me to a different standard for.

25 This is not the job of a fire safety

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1 Pasquarello

2 your bonus. So that was how he ended that

3 conversation.

4 Q. Was there anything else that you

5 pointed out to Mr. Roche during this five-minute

6 meeting with him where you received this

7 document that you haven't already told me?

8 A. I don't recall if there was anything

9 else.

10 Q. Did you say that Mr. Roche said you

11 were getting a bonus following this year end

12 process?

13 A. Yeah. The bonuses are based on your

14 review and the internal audit, that I was

15 talking about earlier, so we passed them. He

16 said, Don't worry about it, you are getting your

17 bonus. So he made it like this was -- you know,

18 it was no big deal.

19 Q. Did you read this document before you

20 signed it?

21 A. I didn't study it, but -- yeah, I

22 didn't just sign it either.

23 Q. So was that a yes, you did read the

24 document before you signed it?

25 A. I did. Like I said, I didn't

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1 Pasquarello

2 completely agree with it. I mentioned a couple

3 of things. If you scroll back up, I think there

4 was a point earlier I didn't agree with. You

5 know -- well, I did mention it. Joe needs to

6 get more into the weeds on some issues.

7 He's mainly talking about issues with

8 the systems, and -- and I disagreed with that.

9 I said, Michael, systems require their own

10 expertise. I says, If you were looking for a

11 fire suppression engineer to run your

12 department, that's what you should have hired.

13 You hired an -- you know, somebody who is well

14 versed in fire safety, not suppression systems

15 on the granular engineering level. And so these

16 were the things that I disagreed with.

17 Time management, I -- I disagreed with

18 that, too. I -- I'm doing the job of two to

19 three people. I mean, I'm managing the time

20 best I was able to under the circumstances. So,

21 you know, again, I didn't completely agree with

22 this. And his answer to that is, Well, you got

23 to put something in box 2. So, you know,

24 don't -- and, again, he ended it with, Don't

25 worry about it, you're still getting your bonus.

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1 Pasquarello

2 thought you needed to improve your time

3 management?

4 A. I did. But the way you're reading

5 this is, PMs to be closed last day of the month,

6 right -- or continue to be closed, that doesn't

7 mean the PM wasn't completed. The paperwork was

8 done at the end of the month. So, you know,

9 Mike is implying in here that the work itself

10 wasn't done until the end of the month. No, the

11 work was all done by the 15th of the month. It

12 just didn't get input until the end of the

13 month.

14 Again, who was doing my inputting was

15 my manager that was doing the -- the -- the

16 paperwork in the department, so Matt was doing

17 it on the last day of the month. Did I

18 particularly want to penalize him for that as

19 long as our month was closed? No. Because the

20 work was done. All the PMs were completed on

21 time, the way they were supposed to be, and we

22 finished the month with all the paperwork in

23 there.

24 So, yeah, I understood Mike's point,

25 and, listen, everybody can always improve on

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1 Pasquarello

2 So I was like, Okay, you know, and

3 I'll see you later. That was -- that was the

4 end of it. Like I said, it was about five

5 minutes. It was very informal, quick, Hey, Joe,

6 do me a favor, come to my office and sign your

7 review. The whole thing was like five minutes.

8 Q. Let's look at box 2, and start at that

9 sentence you were just referencing that begins,

10 Time management. It says: Time management

11 needs to be improved. PMs continue to be closed

12 the last day of the month. ILSM reviews are not

13 completed on time. And PCRA requests take

14 longer than they should.

15 Do you see that?

16 A. I do.

17 Q. What's a PCRA request?

18 A. It -- I'm drawing a blank right now,

19 and I don't know why. But it -- the PCRA, is

20 what we call it, is -- it's the construction

21 review of the -- of the project. I -- I don't

22 remember the exact acronym. I'm sorry.

23 Q. Regardless of whether you agree with

24 this assessment of your performance, did you

25 understand that as of October 2020, Mr. Roche

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1 Pasquarello

2 something. But this is implying that the work

3 wasn't done when the work was done.

4 ILSM reviews not completed on time.

5 ILSM reviews weren't done the way I was doing

6 them before I got there, and that was something

7 we might not have discussed in this particular

8 meeting, but it was something that was discussed

9 and I think goes back to, Joe has improved the

10 fire marshals in terms of training and

11 development and whatnot. I got them to do it

12 much more efficiently, and therefore it took a

13 little longer.

14 But no project ever kicked off without

15 their ILSMs, and nothing was ever done without

16 PCRA reviews. And I'm just sorry, like, for

17 some reason I got this brain freeze on the exact

18 acronym. So that's how I answer that. That was

19 all, you know -- I understand his point, he had

20 to put something there, but the work was always

21 completed.

22 And the ILSMs that I did were much

23 more thorough than before I got there, and maybe

24 that was a perceived delay but it certainly

25 wasn't delayed. It lent to -- to better,

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1 Pasquarello

2 more -- more thorough interim life safety

3 measures, in my opinion.

4 Q. Mr. Pasquarello, you gave me a very

5 long answer, so I just want to make sure I

6 understand the -- the answer that you gave that

7 actually addressed my question.

8 Is it correct that you understood as

9 of October 2020 that Mr. Roche expected you to

10 improve your time management? Yes or no?

11 A. I would say, I -- yes.

12 Q. Did --

13 A. I --

14 Q. Go ahead.

15 A. No, I think he put this in here to

16 start his paper trail on me. So he's saying I

17 needed to improve my time management. I just

18 gave you a long answer as to why I think that is

19 an unfounded statement. But, yeah, I understand

20 he put that in there to begin his paper trail so

21 that -- that's my answer.

22 Q. So do you think --

23 A. Does he really believe my time

24 management skills were false or -- or lacking?

25 I don't know. I completely turned the ship

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1 Pasquarello

2 MR. CLARK: Yes.

3 THE COURT REPORTER: Can I get a break

4 sometime in the next ten or fifteen minutes

5 when you get to a good point?

6 MR. CLARK: I was just about to offer

7 one. I have two more questions on this

8 document and then I think we'll take a

9 break, and off the record we can talk about

10 what we want to do for lunch and how much

11 time everybody needs.

12 Q. Okay. Mr. Pasquarello, did you

13 understand that as of October 29, 2020,

14 Mr. Roche expected you to close PMs before the

15 last day of the month?

16 A. Yes. I'm going to add, though, the

17 PMs themselves were closed. The -- the

18 paperwork was completed by the last day of the

19 month.

20 Q. So did you understand that he was

21 asking you to complete the paperwork by the last

22 day of the month?

23 A. Yeah, what I'm saying is, he -- he is

24 saying in there: PMs continue to be closed the

25 last day of the month.

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2 around, so, you know, where was my management

3 lagging? He's never given any specifics on --

4 you know, I'm answering what took longer for

5 reviews, not that they were not done on time.

6 They just took longer.

7 So to say they're not completed on

8 time, what's on time? They were all completed

9 before the -- the project kicked off. That's --

10 that's the timeframe. You would never start a

11 project before an ILSM was reviewed and -- and

12 implemented. So it's a misleading statement

13 that he put in there, so that at this point

14 you'd have something to point to. That -- it's

15 a false statement. I understand he believed it,

16 or wrote it -- not believed it, wrote it. It's

17 just not accurate. That's my answer.

18 Q. So is it your testimony that as of

19 October 29, 2020 you believe Mr. Roche was

20 amassing a paper trail to either discipline or

21 terminate your employment?

22 A. I do.

23 MS. SELIGER: Objection.

24 A. I do believe that.

25 THE COURT REPORTER: Counsel?

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2 The PM themselves -- I'm explaining,

3 the PMs themselves, the preventive maintenance

4 that was done, were all completed before the

5 last day of the month. It was on the last day

6 of the month that usually Matt and I'm -- you

7 know, I'm giving him the credit that is due him,

8 he did input and update the computer, but it was

9 on the last day of the month.

10 So, yeah, I understand Mike wanted it.

11 It's just not that clear. The work was always

12 done well before the end of the month. It --

13 unless something was due at the end of the

14 month. I mean, there's always an exception to

15 that. But the fact that he is saying they were

16 closed on the last day of the month, no, the

17 computer was updated on the last day of the

18 month. The PMs were closed prior to the

19 computer being updated. So it's a little

20 misleading.

21 The PMs were closed on time during the

22 month, and at the end of the month they were

23 upload into -- or the computer itself was

24 updated, so that's -- that's the answer to that.

25 Q. As a result of receiving this year end

<p style="text-align: right;">Page 166</p> <p>1 Pasquarello</p> <p>2 process did you tell Mr. Bond that you needed to</p> <p>3 close PMs in the computer before the last day of</p> <p>4 the month?</p> <p>5 A. I don't recall. Like I said a minute</p> <p>6 ago, I felt we had so much going on that as long</p> <p>7 as we went every month compliant, which we did,</p> <p>8 I, as his manager, was okay with that one aspect</p> <p>9 of it. I wasn't going to make a -- an arbitrary</p> <p>10 deadline when the real deadline was the end of</p> <p>11 the month. You know, why put more pressure on</p> <p>12 Matt the way Matt -- Mike is putting on me to</p> <p>13 get it in on the 25th of the month when nobody</p> <p>14 is asking for that other than him.</p> <p>15 The system is not asking for that.</p> <p>16 Bob Shaffer wasn't asking for that. As long as</p> <p>17 the work was done before that. And I insisted</p> <p>18 that the work was done before that. This way if</p> <p>19 there was a problem with the work, we could</p> <p>20 address it before the end of the month. So I</p> <p>21 had my deadline on the work, but the actual</p> <p>22 updating of the computer, I did -- no, I didn't</p> <p>23 have a problem with it being at the end of the</p> <p>24 month. You know, in the priority sense, that --</p> <p>25 that was low on my priority list.</p>	<p style="text-align: right;">Page 167</p> <p>1 Pasquarello</p> <p>2 Q. Your supervisor was asking that it be</p> <p>3 inputted into the computer before the end of the</p> <p>4 month, right?</p> <p>5 MS. SELIGER: Objection.</p> <p>6 A. He was only asking that of me. He</p> <p>7 didn't ask that of any of his other ADs or</p> <p>8 managers. It was only for me.</p> <p>9 MR. CLARK: Okay. Off the record.</p> <p>10 THE VIDEOGRAPHER: The time is</p> <p>11 1:19 p.m., and we are going off the record.</p> <p>12 (Luncheon recess at 1:19.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 168</p> <p>1 Pasquarello</p> <p>2 A F T E R N O O N S E S S I O N</p> <p>3 (2:01)</p> <p>4 JOSEPH PASQUARELLO</p> <p>5 resumed, having been previously duly</p> <p>6 sworn by a Notary Public, was</p> <p>7 examined and testified further</p> <p>8 as follows:</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 2:01 p.m., and we are back on the record.</p> <p>11 CONTINUED EXAMINATION BY MR. CLARK:</p> <p>12 Q. Mr. Pasquarello, welcome back from the</p> <p>13 break. Did you review any documents during the</p> <p>14 break?</p> <p>15 A. No.</p> <p>16 Q. Did you speak with anybody, other than</p> <p>17 your lawyer, during the break?</p> <p>18 A. No. Well, not about the case.</p> <p>19 Q. Okay.</p> <p>20 A. I had lunch with -- with Joanie.</p> <p>21 Q. Did you speak with anybody other than</p> <p>22 your lawyer and your wife during the break?</p> <p>23 A. That was it.</p> <p>24 Q. Okay. We are not going to waive</p> <p>25 either privilege.</p>	<p style="text-align: right;">Page 169</p> <p>1 Pasquarello</p> <p>2 MR. CLARK: Okay. Let's mark the next</p> <p>3 exhibit, I think we're up to 6. So, again,</p> <p>4 I'll ask Zack to put it in the chat. I'll</p> <p>5 put it up on my screen. Exhibit 6 is a</p> <p>6 three-page document bearing Bates stamp</p> <p>7 number CH 1277 through 1279. It's a series</p> <p>8 of emails.</p> <p>9 Q. Let me put it up on the screen. And,</p> <p>10 Mr. Pasquarello, if you can see it or if you can</p> <p>11 download it from the chat, my question is going</p> <p>12 to be, do you recognize these emails?</p> <p>13 (Series of emails bearing Bates stamp</p> <p>14 CH 1277 through 1279 was marked Pasquarello</p> <p>15 Exhibit 6 for identification, as of this</p> <p>16 date.)</p> <p>17 A. I -- yeah, I -- I didn't read it yet,</p> <p>18 but I see the stamps.</p> <p>19 Q. Okay. Read the document, and let me</p> <p>20 know after you've reviewed it if you recognize</p> <p>21 them.</p> <p>22 (Witness reviewing document.)</p> <p>23 A. Okay. I read it.</p> <p>24 Q. Okay. Are these documents that you</p> <p>25 either sent or received on December 21, 2020?</p>

<p style="text-align: right;">Page 170</p> <p>1 Pasquarello</p> <p>2 A. Yes, I recognize them.</p> <p>3 Q. Let me scroll down to the first</p> <p>4 document -- or, sorry, the first email in the</p> <p>5 series of three emails, which is from Monique</p> <p>6 Bemby-Reid.</p> <p>7 A. Uh-huh.</p> <p>8 Q. You see that?</p> <p>9 A. I do.</p> <p>10 Q. Who is Monique?</p> <p>11 A. Monique worked in the -- the</p> <p>12 department we spoke about earlier, work control,</p> <p>13 and that was the department that Matt ultimately</p> <p>14 went over to take over. So Monique was one of</p> <p>15 the workers in work control.</p> <p>16 Q. All right. And she writes in her</p> <p>17 December 21, 2020 email, which you are a</p> <p>18 recipient on: Good morning all. Please see the</p> <p>19 open percentages of PMs due for completion for</p> <p>20 Thursday, December 31, 2020.</p> <p>21 You see that?</p> <p>22 A. I do.</p> <p>23 Q. And there's a list that follows with</p> <p>24 percentages open and closed. What is this list?</p> <p>25 A. This is an update list that work</p>	<p style="text-align: right;">Page 171</p> <p>1 Pasquarello</p> <p>2 control would send out during the month to -- to</p> <p>3 let the department heads -- like all those other</p> <p>4 names you see there are, you know, other heads</p> <p>5 of different departments and letting them know</p> <p>6 how their PMs are looking, you know, so far that</p> <p>7 month.</p> <p>8 Q. Which PMs on this list relate to fire</p> <p>9 safety?</p> <p>10 A. The one that says Life Safety.</p> <p>11 Q. The second from the bottom, Life</p> <p>12 Safety, 52 percent open, 48 percent closed?</p> <p>13 A. Yes.</p> <p>14 Q. Are there any other PMs on the list</p> <p>15 that have some relation to life -- strike that.</p> <p>16 Are there any other PMs on the list</p> <p>17 that have some relation to the fire safety</p> <p>18 department?</p> <p>19 A. It's not necessarily each month that</p> <p>20 there would be, but like a high risk one might</p> <p>21 fall under our category, but it would show in my</p> <p>22 shop if it did. So when I pull up my shop, it</p> <p>23 would pull whatever is related to us in -- in</p> <p>24 the list.</p> <p>25 So the numbers you look at are -- are</p>
<p style="text-align: right;">Page 172</p> <p>1 Pasquarello</p> <p>2 fairly accurate for that month. So 52 percent</p> <p>3 of mine are open, 48 percent closed at this</p> <p>4 point. So the high risk ones in this month</p> <p>5 weren't but sometimes they are. Sometimes they</p> <p>6 aren't.</p> <p>7 Q. As of December 31 --</p> <p>8 A. Actually, let me -- let me back up.</p> <p>9 It wouldn't be. Like, if it jumped to my shop,</p> <p>10 it would come out a high risk and into my shop,</p> <p>11 that's what I meant to say. So it could start</p> <p>12 in one and then, you know, come over to me. And</p> <p>13 same thing, it could start with me and then go</p> <p>14 over to somebody else.</p> <p>15 Q. Are any of the PMs in the</p> <p>16 non-high-risk category, fire safety?</p> <p>17 A. Actually -- actually, Shaun, I'm</p> <p>18 sorry, I have to correct myself again.</p> <p>19 Q. Sure.</p> <p>20 A. PMs are preventive maintenance. Those</p> <p>21 don't jump back and forth. Work orders, we get</p> <p>22 similar emails like this for work orders. Those</p> <p>23 could bounce between shops based on who -- you</p> <p>24 know, who would ultimately own it. In this --</p> <p>25 in the PM one, no, this is it. The numbers you</p>	<p style="text-align: right;">Page 173</p> <p>1 Pasquarello</p> <p>2 see are the numbers they are. So, no, mine is</p> <p>3 life safety, those are my -- that's my shop.</p> <p>4 Sorry about that confusion.</p> <p>5 Q. No problem.</p> <p>6 As of December 31, 2020, which is the</p> <p>7 date that this email asks the PMs to be</p> <p>8 completed, do you know how many of the</p> <p>9 52 percent that were open ten days earlier were</p> <p>10 closed by your department?</p> <p>11 A. I would say all of them. I don't</p> <p>12 remember ever going past due on PMs.</p> <p>13 Q. Let's scroll up here. I scrolled up</p> <p>14 to the second email in the chain, which is the</p> <p>15 bottom email on the first page of this</p> <p>16 Exhibit 6, which is an email from Michael Roche</p> <p>17 to you on December 21, 2020. And he writes:</p> <p>18 Less than 50 percent closed and past your</p> <p>19 deadline of the 15th. What actions will be</p> <p>20 taken?</p> <p>21 Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. As of December 21, 2020 were you aware</p> <p>24 of a deadline of the 15th for closing out these</p> <p>25 PMs?</p>

<p style="text-align: right;">Page 174</p> <p>1 Pasquarello</p> <p>2 A. No. Well, what Mike is referring to</p> <p>3 there is what I referred to earlier in my -- in</p> <p>4 this deposition, is I set a standard of the 15th</p> <p>5 for my department for certain PMs, not all of</p> <p>6 them, certain ones. Because I, you know, said</p> <p>7 earlier also, that some won't get closed till</p> <p>8 the end of the month depending on where they</p> <p>9 were the month before.</p> <p>10 The 15th deadline stands for my fire</p> <p>11 extinguishers. I set a deadline of the 15th</p> <p>12 because if we had any issues with an</p> <p>13 extinguisher, I can have it either replaced or</p> <p>14 serviced before the 30th or 31st of the month,</p> <p>15 and then we would go on to the next month with</p> <p>16 no problem with the extinguisher.</p> <p>17 So, again, this is Mike's chain of</p> <p>18 emails to hold me to a different standard than</p> <p>19 the rest of the department. So this illustrates</p> <p>20 how he wants to take the 15th that I set for my</p> <p>21 team and say, What actions will you take?</p> <p>22 The -- I do answer him in the next</p> <p>23 email, but the 15th is only a deadline for my</p> <p>24 extinguishers, and it's because I don't want to</p> <p>25 go the following month -- because before I got</p>	<p style="text-align: right;">Page 175</p> <p>1 Pasquarello</p> <p>2 there extinguishers and doors were the two</p> <p>3 biggest problem areas in the department, and it</p> <p>4 took a while to get them all under control. And</p> <p>5 at this point you'll see in the next email that</p> <p>6 we're trying a new system so that they can be</p> <p>7 electronically tracked and have more accuracy.</p> <p>8 So that's -- again, his email to me is</p> <p>9 nothing more than micromanaging to get on the</p> <p>10 record that I'm somehow missing the deadline</p> <p>11 that I'm not missing. And -- and that's what I</p> <p>12 see here. I do answer him, because, you know</p> <p>13 respect for the boss, in the next email.</p> <p>14 Q. Do you know if Mr. Roche sent similar</p> <p>15 emails to other department heads or managers</p> <p>16 that had less than 50 percent closure as of</p> <p>17 December 21?</p> <p>18 A. I would only be speculating by saying</p> <p>19 he doesn't, but I know I -- I do know I was held</p> <p>20 to a different standard than everybody else in</p> <p>21 that email chain. So I'm comfortable telling</p> <p>22 you, no, he never sent emails like this to</p> <p>23 anybody else, but that's my word against his</p> <p>24 word.</p> <p>25 Q. Are there any --</p>
<p style="text-align: right;">Page 176</p> <p>1 Pasquarello</p> <p>2 A. Unless he sent -- unless he sent it.</p> <p>3 I'm sure we asked for exculpatory evidence and,</p> <p>4 you know, more direct evidence from him. So if</p> <p>5 he sent these emails to somebody else, produce</p> <p>6 them. Otherwise I can't answer that question.</p> <p>7 I don't know. But I know I was treated</p> <p>8 differently than everybody else.</p> <p>9 Q. Did you ever ask any of your</p> <p>10 colleagues who were directors or assistant</p> <p>11 directors whether they received an email like</p> <p>12 this?</p> <p>13 A. Well, the other assistant directors</p> <p>14 were Bobby, Doug, Matt at one point, or a</p> <p>15 manager, so that was the clique. He -- those</p> <p>16 were the people he wanted around him. So for me</p> <p>17 to ask them that question would have been</p> <p>18 fruitless. You know, they weren't going to turn</p> <p>19 around and say, Oh, yeah, he sends that to me</p> <p>20 all the time. Well, I know he didn't send that</p> <p>21 to them. I was -- I was being held to a</p> <p>22 different standard than they were.</p> <p>23 Q. But you don't know that for a fact.</p> <p>24 You're speculating he didn't sent that --</p> <p>25 A. No, I do know that. That's why I made</p>	<p style="text-align: right;">Page 177</p> <p>1 Pasquarello</p> <p>2 a complaint. That's why we're sitting here</p> <p>3 today. I believe it's a fact that he held me to</p> <p>4 a different standard. I guess it's up to the</p> <p>5 courts to decide if I'm right or wrong. I</p> <p>6 believe that with all my heart. I wouldn't be</p> <p>7 sitting here for all these hours today.</p> <p>8 Q. I understand --</p> <p>9 A. I know he treated me differently, and</p> <p>10 it was all because of my age. That's why we're</p> <p>11 sitting here today.</p> <p>12 Q. I understand that you have a belief --</p> <p>13 A. If he sent these to other people -- if</p> <p>14 he sent these to other people, show it to me,</p> <p>15 I'll shut up. But I don't think he sent these</p> <p>16 to other people.</p> <p>17 Q. Again, we're not at trial. We are at</p> <p>18 deposition. So let me ask the question about</p> <p>19 your basis of knowledge, and we can deal with</p> <p>20 exhibits at trial if we ever get there.</p> <p>21 But do you have any -- are there any</p> <p>22 documents that you have or any factual</p> <p>23 understanding that you have to know whether</p> <p>24 Mr. Roche sent a similar email to any other</p> <p>25 directors or assistant directors at Crothall?</p>

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2 MS. SELIGER: Objection.

3 A. I have no direct knowledge.

4 Q. You referred to a "Bobby, Doug, and

5 Matt." Who are those people?

6 A. Bob Denver, Doug Rome, and Matt Bond.

7 Q. As of December 21, 2020, Matt Bond was

8 your subordinate, right?

9 A. I was talking before I got there. I

10 don't believe Matt received this type of

11 scrutiny before I got there either.

12 Q. Okay. Do you know a person named

13 Jeannie Lai, L-A-I?

14 A. Yeah. She was finance.

15 Q. Who was her direct supervisor?

16 MS. SELIGER: Objection.

17 A. I'm not sure --

18 MR. CLARK: What's the objection?

19 MS. SELIGER: Foundation.

20 Q. Do you know who her supervisor is?

21 A. I don't know Jeannie's supervisor. I

22 would think Mike because -- without any direct

23 knowledge otherwise, but I don't know that for a

24 fact. I know she's not engineering. She's

25 finance, so I don't know who managed the finance

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2 demeanor. I would say he's a mature gentleman.

3 Q. What color is his hair?

4 A. Salt -- I don't know. I think he was

5 more blond and gray than -- than dark and gray,

6 but I'm -- it's been a while since I've seen

7 John.

8 Q. The last time you saw Mr. Barton was

9 he balding?

10 A. Yeah, John might be balding, sure.

11 Might have my hairline. Maybe a little less.

12 Q. You know someone named Ricardo

13 Cantana, C-A-N -- I'm butchering that name,

14 Ricardo Canata, C-A-N-A-T-A?

15 A. No.

16 Q. We talked earlier about Robert Denver?

17 A. Yeah.

18 Q. What was his title?

19 A. Assistant director at the time I was

20 there.

21 Q. And he reported to Mike Roche, right?

22 A. Yes.

23 Q. How old is Mr. Denver, if you know?

24 A. Late 20s, early 30s. I don't know

25 their exact ages. I know he's late 20s, early

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2 department.

3 Q. Do you know how old Ms. Lai is?

4 A. No.

5 Q. Is she over 40 or under 40 in your

6 estimation?

7 MS. SELIGER: Objection.

8 A. I honestly don't know.

9 Q. Do you know a guy named John Barton?

10 A. You're asking me to answer on a

11 woman's age question. I don't know. Sorry.

12 Q. Do you know a guy named John Barton?

13 A. I do know John Barton.

14 Q. What was his position at Crothall?

15 A. John Barton was equal to Michael. He

16 was a senior director.

17 Q. Do you know who he reported to?

18 A. As far as I know, Chris Hariegal.

19 Q. How old was Mr. Barton, if you know?

20 A. Barton -- I would say Barton is in his

21 50s. I don't know it for a fact, but he looks

22 like he's around that age.

23 Q. What about him suggests to you that

24 he's in his 50s?

25 A. His appearance, his knowledge, his

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2 30s.

3 Q. We talked earlier about Douglas Rome.

4 He reported to Mr. Roche as well, right?

5 A. Yes.

6 Q. Do you know how old Mr. Rome is?

7 A. I do know, when I was there, Doug

8 turned 27, because I remember them talking how

9 he's now off his parent's insurance. And I

10 believe Bobby is around the same age as Doug,

11 give or take a year or two.

12 Q. Do you know someone named Ryan

13 Nowicki?

14 A. Yes.

15 Q. Who does he report to?

16 A. Ryan is the director of engineering.

17 He also falls under Mike's umbrella.

18 Q. And how old was Mr. Nowicki, if you

19 know?

20 A. I don't know. I would say Ryan is in

21 his 30s.

22 Q. Going back to Exhibit 6, which should

23 still be on your screen here, you write in

24 response to Mr. Roche's December 21, 2020 email

25 to you -- on that same day, you write: Matt

<p style="text-align: right;">Page 182</p> <p>1 Pasquarello</p> <p>2 gave out the extinguisher sheets late that</p> <p>3 month.</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. What does that mean?</p> <p>7 A. Remember, I was telling you before</p> <p>8 about inventories? So we were working off the</p> <p>9 paper inventories. Those paper inventories is</p> <p>10 how we check our things, whether it be us</p> <p>11 checking -- "us" I mean the fire safety</p> <p>12 department directly checking, which would have</p> <p>13 been fire extinguishers, or the vendors checking</p> <p>14 devices and whatnot. So every month we would</p> <p>15 hand out a paper copy of the fire extinguisher</p> <p>16 list or inventory, if you will, and that's what</p> <p>17 the marshals used to go around and do their fire</p> <p>18 extinguisher inspections.</p> <p>19 Q. How does the extinguisher sheets</p> <p>20 relate to the PM closure rates that are shown</p> <p>21 below in this email?</p> <p>22 A. It's a significant portion of the PMs,</p> <p>23 because there's extinguishers in every</p> <p>24 building -- so you know what, that -- that's</p> <p>25 actually a pretty good question. I don't know</p>	<p style="text-align: right;">Page 183</p> <p>1 Pasquarello</p> <p>2 how much of the percentage was actually the</p> <p>3 extinguishers. It could have been 50 percent of</p> <p>4 our work was extinguishers or more. I'm not</p> <p>5 sure how it broke down by device.</p> <p>6 But extinguishers were one of the most</p> <p>7 significant items we checked every month. There</p> <p>8 was well over a thousand of them that we checked</p> <p>9 monthly. So it's a campus-wide program,</p> <p>10 obviously there's extinguishers in every</p> <p>11 building, every area. So that could have --</p> <p>12 that could definitely account for that</p> <p>13 percentage.</p> <p>14 So in other words, it wouldn't be fire</p> <p>15 extinguisher 1 percent of it. Fire</p> <p>16 extinguishers could be a large percentage of it,</p> <p>17 based on the way it's broken down in the</p> <p>18 computer, and I have no -- I don't know how that</p> <p>19 would be broken down.</p> <p>20 Q. When did you become aware that Matt</p> <p>21 Bond gave out the extinguisher sheets late for</p> <p>22 the month of December 2020?</p> <p>23 A. I don't -- I don't recall when I knew</p> <p>24 for a -- you know, that they were out late that</p> <p>25 month. I do know we were starting a new program</p>
<p style="text-align: right;">Page 184</p> <p>1 Pasquarello</p> <p>2 that month so I didn't -- I didn't take it to be</p> <p>3 a disciplinary action that it was out a little</p> <p>4 late. As you can see, I was giving an extension</p> <p>5 to -- to everybody, because we were rolling out</p> <p>6 this -- or we were going to try and roll out</p> <p>7 this new program.</p> <p>8 Q. So this email that you sent to</p> <p>9 Mr. Roche is December 21, 2020, and you write in</p> <p>10 it: The new deadline this month was given as</p> <p>11 the 22nd.</p> <p>12 The following day, right?</p> <p>13 A. Yes, so based on what you just pointed</p> <p>14 out to me, and I appreciate that, thank you, I</p> <p>15 must have told -- or known about it earlier in</p> <p>16 the month because it looks like I gave a ten --</p> <p>17 almost a ten-day extension. So it looks like</p> <p>18 from the, you know, 15th to the 22nd means he</p> <p>19 handed it out, what, like 15 -- on maybe the --</p> <p>20 the 8th, the 9th, so I extended -- I added that</p> <p>21 to the deadline. So when I became aware of it</p> <p>22 would have been 15 days earlier than the 22nd.</p> <p>23 Q. As of the December 22 deadline you</p> <p>24 imposed what percentage of PMs were closed for</p> <p>25 the month of December 2020?</p>	<p style="text-align: right;">Page 185</p> <p>1 Pasquarello</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you recall if you followed up with</p> <p>4 Mike Roche on the next day to report a new</p> <p>5 number to him?</p> <p>6 A. I don't recall.</p> <p>7 Q. At some point during your employment</p> <p>8 at Crothall did you have regular one-on-one</p> <p>9 meetings with Mr. Roche?</p> <p>10 A. I have, yes.</p> <p>11 Q. When those meetings start?</p> <p>12 A. Immediately.</p> <p>13 Q. When you say "immediately," do you</p> <p>14 mean immediately at the beginning of your</p> <p>15 employment?</p> <p>16 A. Yes.</p> <p>17 Q. And how often did those meetings take</p> <p>18 place?</p> <p>19 A. Every week. I mean, there was a</p> <p>20 couple of weeks that were missed, but, you know,</p> <p>21 somebody not in, somebody on vacation, something</p> <p>22 happening that, you know, we said, Oh, we're not</p> <p>23 going to have it today. But for the most part</p> <p>24 they were weekly one-on-one meetings.</p> <p>25 Q. Whose idea was it to have those weekly</p>

<p style="text-align: right;">Page 186</p> <p>1 Pasquarello</p> <p>2 one-on-one meetings?</p> <p>3 A. Michael had his one-on-one meetings</p> <p>4 with -- it was -- from what I could see</p> <p>5 everybody, so he -- all his subordinates would</p> <p>6 meet with him, so that would be me, Doug, Bobby,</p> <p>7 those were the only ones that I have witnessed</p> <p>8 Mike having one-on-ones with.</p> <p>9 Q. When you had the one-on-one meetings</p> <p>10 with Mr. Roche, did anybody else attend besides</p> <p>11 you and him?</p> <p>12 A. Yeah. There was a lot of times our</p> <p>13 one-on-ones were department one-on-ones, if you</p> <p>14 will, so one-on-one is kind of a bad way to put</p> <p>15 it, when it was -- so almost all the one-on-ones</p> <p>16 when Matt was working with me or for me, Matt</p> <p>17 was involved. There were -- there were very few</p> <p>18 that it was just me. Our one-on-ones were</p> <p>19 department one-on-ones, if you will, and I had a</p> <p>20 manager in my department.</p> <p>21 So they started, it was Joe Jerrain</p> <p>22 and Matt and myself. Then Joe left and it was</p> <p>23 just me and Matt for a long time. And then it</p> <p>24 got to the point where it was just me but I</p> <p>25 can't tell you when that happened. I honestly</p>	<p style="text-align: right;">Page 187</p> <p>1 Pasquarello</p> <p>2 don't remember. But for the most part they were</p> <p>3 department type of one-on-ones.</p> <p>4 Q. Did those meetings take place in</p> <p>5 person?</p> <p>6 A. I'm sorry. You broke up.</p> <p>7 Q. I'm sorry. Did those meetings take</p> <p>8 place in person?</p> <p>9 A. Yes, they did.</p> <p>10 Q. Where?</p> <p>11 A. Mike's office. Almost exclusively in</p> <p>12 Mike's office.</p> <p>13 Q. What was the --</p> <p>14 A. -- are not in Mike's office.</p> <p>15 Q. Sorry. I stepped on your answer</p> <p>16 there. Are you done?</p> <p>17 A. Yeah. I'm sorry. I just added.</p> <p>18 Q. What was the purpose of the meetings?</p> <p>19 A. More catch-up, what's going on, like</p> <p>20 what did we accomplish the week before, what is</p> <p>21 to be expected for the week later? You know,</p> <p>22 where it -- it was -- they were never really</p> <p>23 formal-formal, until it got formal. And, you</p> <p>24 know, I have my thoughts on that, too, but we</p> <p>25 won't go there. Like you said, this is just</p>
<p style="text-align: right;">Page 188</p> <p>1 Pasquarello</p> <p>2 answer your question.</p> <p>3 They were very informal in the</p> <p>4 beginning, what's going on, this is what we are</p> <p>5 looking for next week, this is what you did this</p> <p>6 week. They -- they weren't, you know, these big</p> <p>7 structured things. They -- they were pretty</p> <p>8 relaxed for -- for the most part.</p> <p>9 Q. During these meetings, did you provide</p> <p>10 Mike Roche with an update of your work, what you</p> <p>11 were working on?</p> <p>12 A. Yes.</p> <p>13 Q. And did he provide you with his</p> <p>14 expectations of what he wanted or expected of</p> <p>15 you for the coming week or month?</p> <p>16 A. Yes. I mean, it wasn't every month</p> <p>17 there was expectations that, you know -- but,</p> <p>18 mostly, yeah, we did that.</p> <p>19 MR. CLARK: All right. Let's mark</p> <p>20 Exhibit 7, which is a one-page document</p> <p>21 entitled Associate Counseling Report</p> <p>22 bearing Bates number CH 1691.</p> <p>23 Q. And, Mr. Pasquarello, we're going to</p> <p>24 give it to you in two ways, once on the screen</p> <p>25 and I am happy to scroll through it for you, and</p>	<p style="text-align: right;">Page 189</p> <p>1 Pasquarello</p> <p>2 once in the chat where you can download it.</p> <p>3 Take a look at it however you would like. Let</p> <p>4 me know if you need me to scroll. And my</p> <p>5 question for you is going to be, do you</p> <p>6 recognize this document?</p> <p>7 A. I do.</p> <p>8 (Associate Counseling Report bearing</p> <p>9 Bates stamp CH 1691 was marked Pasquarello</p> <p>10 Exhibit 7 for identification, as of this</p> <p>11 date.)</p> <p>12 Q. Okay. Have you had a chance to review</p> <p>13 Exhibit 7?</p> <p>14 A. This is your screen I'm looking at?</p> <p>15 We can stay with your screen. I know this</p> <p>16 document.</p> <p>17 Q. Sure.</p> <p>18 A. This is his write-up.</p> <p>19 Q. Do you want me to scroll through it so</p> <p>20 you have a chance to read it?</p> <p>21 A. It -- it's not that big. I'll -- I'll</p> <p>22 go to your questions. If I need more time, I'll</p> <p>23 let you know.</p> <p>24 Q. Okay. When is the first time you saw</p> <p>25 this document?</p>

<p style="text-align: right;">Page 190</p> <p>1 Pasquarello</p> <p>2 A. When he gave it to me.</p> <p>3 Q. When was that, do you remember?</p> <p>4 A. Some reason I'm thinking it was the</p> <p>5 10th of that month but I -- I don't have it in</p> <p>6 front of me. If you scroll down to the bottom,</p> <p>7 yeah, it was the 10th of the month.</p> <p>8 Q. And you're looking at the date next to</p> <p>9 the Signature of Manager?</p> <p>10 A. Yes.</p> <p>11 Q. Is that Mr. Roche's signature?</p> <p>12 A. That is.</p> <p>13 Q. Did Mr. Roche present this document to</p> <p>14 you in person?</p> <p>15 A. Yes.</p> <p>16 Q. Was anyone else present when he</p> <p>17 presented it to you?</p> <p>18 A. Mario Persaud I believe is how he</p> <p>19 pronounces his last name.</p> <p>20 Q. And is that the person who is listed</p> <p>21 as witness in the blue ink on the left of the</p> <p>22 bottom of the page?</p> <p>23 A. Yes.</p> <p>24 Q. And it says next to that and slightly</p> <p>25 above: Associate refused to sign.</p>	<p style="text-align: right;">Page 191</p> <p>1 Pasquarello</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Did you refuse to sign this document?</p> <p>5 A. Yes, I did.</p> <p>6 Q. Why?</p> <p>7 A. Because it's got no merit. That</p> <p>8 document is completely without merit.</p> <p>9 Q. Scroll up for a moment. Under the</p> <p>10 heading Detailed Account of Incident Resulting</p> <p>11 in Conference. You see the section I'm looking</p> <p>12 at in the middle?</p> <p>13 A. I do.</p> <p>14 Q. The first numbered paragraph there</p> <p>15 says that you were informed of an impairment to</p> <p>16 the 1184 fire pump. You notified the FDNY but</p> <p>17 you did not notify the insurance provider. You</p> <p>18 see that?</p> <p>19 A. I do see that.</p> <p>20 Q. Is that an accurate statement?</p> <p>21 A. No, not at all.</p> <p>22 Q. What's inaccurate about that?</p> <p>23 A. The entire statement. You want to go</p> <p>24 one by one?</p> <p>25 Q. Let me ask a follow-up then. Did you</p>
<p style="text-align: right;">Page 192</p> <p>1 Pasquarello</p> <p>2 notify the insurance provider about the</p> <p>3 impairment to the 1184 fire pump?</p> <p>4 MS. SELIGER: Objection to form.</p> <p>5 A. I personally made no notifications.</p> <p>6 Q. I'm sorry. Can you give me that</p> <p>7 answer again? I missed it.</p> <p>8 A. I personally made no notifications.</p> <p>9 So that's the first inaccuracy there. Well,</p> <p>10 it's the first one I mentioned. The whole thing</p> <p>11 is inaccurate.</p> <p>12 Q. So it says: He notified FDNY but did</p> <p>13 not notify our insurance provider.</p> <p>14 Is it your testimony that you also</p> <p>15 didn't notify the FDNY?</p> <p>16 A. It's my testimony that I did not</p> <p>17 notify anyone. That's -- that's a -- it's false</p> <p>18 and misleading. This is fabricated. I wasn't</p> <p>19 informed on the 6th that they were doing that</p> <p>20 work. They went to the fire marshal office and</p> <p>21 asked to do a repair job based on a thing I was</p> <p>22 informed about a week or so earlier, which was</p> <p>23 the 1184 pump's annual maintenance and testing.</p> <p>24 The pump failed, and then on the 6th</p> <p>25 they went to the marshal's office and told them</p>	<p style="text-align: right;">Page 193</p> <p>1 Pasquarello</p> <p>2 that they were going to work on the pump. And</p> <p>3 they didn't follow normal procedures by</p> <p>4 informing me of that.</p> <p>5 The staff, the fire marshal staff,</p> <p>6 notified the FDNY that the pump was going out of</p> <p>7 service for repairs. That's by code, they did</p> <p>8 exactly what they were supposed to do.</p> <p>9 Then he says: As a result the</p> <p>10 insurance provider added a deficiency which was</p> <p>11 previously removed.</p> <p>12 That's not true. I don't know if the</p> <p>13 insurance company added anything. But I do know</p> <p>14 that the insurance company was on site May 6</p> <p>15 doing a separate -- completely separate</p> <p>16 unrelated site walk-through. Ronald Kanterman,</p> <p>17 my manager, was walking them through the site,</p> <p>18 showing them valves, showing them the</p> <p>19 suppression systems.</p> <p>20 There was a couple of findings that</p> <p>21 came out of that, that walk-through. One of the</p> <p>22 findings was, Oh, they were working on the pump.</p> <p>23 How come you guys didn't notify us? When Ron</p> <p>24 told me that, I says, You know what? It's not</p> <p>25 by code. But Ron was also familiar with the</p>

<p style="text-align: right;">Page 194</p> <p>1 Pasquarello</p> <p>2 fact that we would notify the insurance company,</p> <p>3 and we took immediate actions to rectify that</p> <p>4 portion of the oversight.</p> <p>5 However, I don't know if we ever</p> <p>6 received anything for it, because the man wasn't</p> <p>7 that upset about it. He said, For a test like</p> <p>8 this, it's good if you do notify us. So it was</p> <p>9 a small repair. It wasn't a major impairment</p> <p>10 that, you know, sometimes rises to that level.</p> <p>11 But I found out about it that day. I</p> <p>12 instructed Ron to take measures to ensure that</p> <p>13 never happens again, and we did do that. So</p> <p>14 between myself giving directions and Ron</p> <p>15 following my -- you know, my orders, if you want</p> <p>16 to call them orders, we took care of the</p> <p>17 situation.</p> <p>18 So were we informed on May 6 that they</p> <p>19 were going to do -- that there was a planned</p> <p>20 site visit? Yeah, I know that the insurance</p> <p>21 company was coming on the 6th. That's why I had</p> <p>22 my manager ready to walk with them. Was I</p> <p>23 informed that the 1184 pump was going to be off</p> <p>24 that day? No. They went directly to the fire</p> <p>25 marshal's office to do a repair of a test that</p>	<p style="text-align: right;">Page 195</p> <p>1 Pasquarello</p> <p>2 happened a little earlier in the month, or the</p> <p>3 month earlier.</p> <p>4 And then the insurance provider</p> <p>5 noticed it. I immediately gave that information</p> <p>6 to Michael on the 6th when it happened. It</p> <p>7 was -- there was no delay in notifying him. So</p> <p>8 that's what happened on May 6th in relationships</p> <p>9 to the pump.</p> <p>10 Another thing that came out of that</p> <p>11 is, the insurance company asked us to make sure</p> <p>12 that all the valves were painted the proper</p> <p>13 colors. And I had asked for that earlier. They</p> <p>14 said it wasn't necessary. Now the insurance</p> <p>15 company said it was necessary. So I finally got</p> <p>16 the okay to do it, and we hired Olympic Torch to</p> <p>17 do that portion of the finding.</p> <p>18 So they had two findings that I was</p> <p>19 aware of, the valves needed to be painted, and</p> <p>20 they noticed that the work was -- the repair was</p> <p>21 going on on the pump, and they didn't know about</p> <p>22 the repair. That -- that was the two things</p> <p>23 that happened on May 6th.</p> <p>24 Q. So, Mr. Pasquarello, you gave a very</p> <p>25 long answer to my question so let's break it</p>
<p style="text-align: right;">Page 196</p> <p>1 Pasquarello</p> <p>2 down a bit if we can so I understand exactly</p> <p>3 what you're testifying to. Is it your testimony</p> <p>4 that you were not aware of the impairment to the</p> <p>5 1184 fire pump on May 6th?</p> <p>6 A. That's what I'm saying. They didn't</p> <p>7 inform me. They went straight to the fire</p> <p>8 marshal's office and asked for the pump to come</p> <p>9 offline for the repair.</p> <p>10 Q. Oh.</p> <p>11 A. They didn't submit the proper</p> <p>12 paperwork that day. That's in-house. That's</p> <p>13 John Barton's team, and they felt that they're</p> <p>14 in-house, they -- they don't have to follow the</p> <p>15 same rules as everyone else. And that was one</p> <p>16 of the things that I always fought against, and</p> <p>17 that Bob Shaffer when he states he defends me,</p> <p>18 was defending me on. You have to follow the</p> <p>19 same procedures as everybody else every single</p> <p>20 time you touch that pump. Why? We would have</p> <p>21 avoided this situation altogether if they had</p> <p>22 done that.</p> <p>23 But they didn't, and this is what</p> <p>24 happened. But instead of Mike holding those</p> <p>25 responsible, he held my -- me responsible</p>	<p style="text-align: right;">Page 197</p> <p>1 Pasquarello</p> <p>2 instead of the plumbing shop.</p> <p>3 Q. Mr. Pasquarello, again, you gave me a</p> <p>4 very long answer to a very short question.</p> <p>5 We'll have to break down, and we'll -- we'll be</p> <p>6 here all day, which I'm happy to do.</p> <p>7 Did -- were the fire marshals required</p> <p>8 to notify you of impairments to fire pumps?</p> <p>9 A. Well, at this point I had a manager up</p> <p>10 there, so, no, they could have went to their</p> <p>11 manager and they did.</p> <p>12 Q. Were the fire marshals required to</p> <p>13 notify somebody about an impairment to a fire</p> <p>14 pump?</p> <p>15 A. They -- yes. They made the</p> <p>16 notification to the manager, and then they made</p> <p>17 the notification to the -- the fire department</p> <p>18 as per code. Did I get notified? After the</p> <p>19 fact, yes. Joe, they're doing the pump today.</p> <p>20 They came down to the office. That's how I got</p> <p>21 that notification. What I'm saying is, I didn't</p> <p>22 get the written notification as customary. And</p> <p>23 a lot of times in-house plumbing does that.</p> <p>24 Q. Whose job is it to notify the</p> <p>25 insurance provider of an impairment to a fire</p>

<p style="text-align: right;">Page 198</p> <p>1 Pasquarello</p> <p>2 pump?</p> <p>3 A. It would have been the staff. The</p> <p>4 staff makes the notifications. So that was</p> <p>5 the -- the fire marshal who filled out the</p> <p>6 permit to let them go and -- and take the pump</p> <p>7 offline.</p> <p>8 Q. What's that fire marshal's name?</p> <p>9 A. Well, I don't know. I had 18. I don't</p> <p>10 know who was working that day.</p> <p>11 Q. Well, did you ask who was notified</p> <p>12 about the impairment to the fire pump after you</p> <p>13 got this notification from Mr. Roche?</p> <p>14 A. I did. I took it up with my manager.</p> <p>15 He handled that. But, yes, we -- I don't</p> <p>16 remember who the marshal that made the</p> <p>17 notifications were, but I do remember that I</p> <p>18 instructed Ron on the -- what was going on, and</p> <p>19 then we -- we set new measures in place so that</p> <p>20 this would never happen again.</p> <p>21 We sent out a bulletin to all members</p> <p>22 of the department highlighting the fact that the</p> <p>23 insurance provider must be notified, and we</p> <p>24 changed the form of -- the shutdown request form</p> <p>25 to include a check box that makes us remember</p>	<p style="text-align: right;">Page 199</p> <p>1 Pasquarello</p> <p>2 right there on the spot notify insurance</p> <p>3 provider.</p> <p>4 So when I became aware of it, I didn't</p> <p>5 discipline anyone on the spot, if that's what</p> <p>6 you're asking. I took it as a learning</p> <p>7 opportunity and it -- and an opportunity to</p> <p>8 improve the process of the department, and I did</p> <p>9 that.</p> <p>10 There was never anybody in any kind of</p> <p>11 danger. An insurance notification is not the</p> <p>12 same as notifying the fire department. It's not</p> <p>13 code required. It's a courtesy that the</p> <p>14 insurance company asks for from their clients.</p> <p>15 That's all that was, so I didn't see the need</p> <p>16 to -- to write somebody up for that. I found</p> <p>17 the need to improve the process so it didn't</p> <p>18 happen again, and that's what I did.</p> <p>19 Q. Does the policy with FM Global require</p> <p>20 notification for impairments?</p> <p>21 A. I never seen a written policy from FM</p> <p>22 Global, nor was I ever given one. I know --</p> <p>23 Q. So --</p> <p>24 A. -- in practice that it's -- that they</p> <p>25 do want to get notified. Nobody at Crothall,</p>
<p style="text-align: right;">Page 200</p> <p>1 Pasquarello</p> <p>2 nobody at Mount Sinai, ever gave me anything</p> <p>3 from the insurance company stating what they</p> <p>4 required or expected.</p> <p>5 Q. So when you refer to it as "a</p> <p>6 courtesy," you don't know whether it is also a</p> <p>7 contractual obligation; is that right?</p> <p>8 A. No, you're -- that's correct, I don't</p> <p>9 know if it's contractual. I didn't see their</p> <p>10 contract.</p> <p>11 Q. Did you ever ask for it?</p> <p>12 A. No, not that I recall.</p> <p>13 Q. You said earlier that the statement,</p> <p>14 As a result the insurance provider added a</p> <p>15 deficiency which was previously removed, was an</p> <p>16 inaccurate statement; is that right?</p> <p>17 A. I -- I don't know if that's accurate.</p> <p>18 I don't know if they added any deficiency to our</p> <p>19 report based on that. I did not see a report</p> <p>20 from them that shows they added a deficiency for</p> <p>21 it. That was Mike's words that they did it, and</p> <p>22 that it was previously removed.</p> <p>23 So I asked Mike, Well, who was</p> <p>24 responsible for the last one? And he wouldn't</p> <p>25 answer me.</p>	<p style="text-align: right;">Page 201</p> <p>1 Pasquarello</p> <p>2 Q. Why is that relevant, who was</p> <p>3 responsible for the last deficiency?</p> <p>4 A. Because I want to know if my hunch</p> <p>5 that I'm being held to a different standard is</p> <p>6 true or not. You're -- you're writing me up for</p> <p>7 something that I told you about the day it</p> <p>8 happened. You're lying saying that you didn't</p> <p>9 know about it for, you know, 10 days, 12 days</p> <p>10 later, which is not the truth. You knew about</p> <p>11 it the day it happened. And then you're saying</p> <p>12 that we received a deficiency, and that this</p> <p>13 deficiency was previously removed.</p> <p>14 Well, who was held accountable the</p> <p>15 first time we had this deficiency, and please</p> <p>16 show me that you're writing me up for something</p> <p>17 that is actually happened. So I asked, very</p> <p>18 nicely, Can I see the deficiency that I'm being</p> <p>19 written up for? And he wouldn't do it. He --</p> <p>20 he didn't show me anything.</p> <p>21 Q. Does Mr. Roche say anywhere in this</p> <p>22 Associate Counseling Report when he learned of</p> <p>23 the impairment to the fire pump?</p> <p>24 A. He's saying -- I take it as he's</p> <p>25 saying he learned about it on the 18th.</p>

<p style="text-align: right;">Page 202</p> <p>1 Pasquarello</p> <p>2 Q. Because it says: On May 18th we</p> <p>3 received a report from our insurance provider?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Let's take a look at the second</p> <p>6 numbered paragraph. Paragraph number 2 says</p> <p>7 that: No work orders were created by fire</p> <p>8 safety to track repairs and life safety</p> <p>9 deficiencies following an annual fire door</p> <p>10 inspection.</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. Is that accurate?</p> <p>14 A. It's a long answer to say -- it's not</p> <p>15 a yes-or-no answer.</p> <p>16 Q. Well, is it accurate? Yes or no? And</p> <p>17 then I'll let you explain.</p> <p>18 A. Let me read it a second.</p> <p>19 (Witness reviewing document.)</p> <p>20 A. I -- it's accurate that that I didn't</p> <p>21 make the customary work orders for this</p> <p>22 particular projects, yes.</p> <p>23 Q. Why didn't you make the customary work</p> <p>24 orders for this particular project?</p> <p>25 A. Okay. Remember when I said when I</p>	<p style="text-align: right;">Page 203</p> <p>1 Pasquarello</p> <p>2 took over this department there was over 500</p> <p>3 work orders that were over 60 days, several of</p> <p>4 them were a couple of years old? The majority</p> <p>5 of that were for doors. So the door issue was</p> <p>6 the major issue that the -- the hospital and the</p> <p>7 fire safety department was facing when I came</p> <p>8 aboard.</p> <p>9 To say there was 500 door issues is</p> <p>10 completely inaccurate. What Matt Bond and Mark</p> <p>11 Matthews, my predecessor, did was they grouped</p> <p>12 work orders and put them into a new work order</p> <p>13 to make it look their number of work orders went</p> <p>14 down. When, in fact, they didn't go down. They</p> <p>15 actually went up, because they put these work</p> <p>16 orders into another work order, and then that</p> <p>17 work order said refer to these work orders. All</p> <p>18 right. So it took me from the time I started</p> <p>19 almost to this point to chip away at those 500</p> <p>20 overdue work orders or 500 plus, which were the</p> <p>21 majority doors.</p> <p>22 Now, we get this door job comes up,</p> <p>23 and we have to track it. I knew that the</p> <p>24 Crothall system was not working with the doors,</p> <p>25 and the -- the vendor that was performing this</p>
<p style="text-align: right;">Page 204</p> <p>1 Pasquarello</p> <p>2 worked differently than the vendor that they had</p> <p>3 previous. So I set up a spreadsheet. I worked</p> <p>4 off of that spreadsheet, and I insisted that the</p> <p>5 company bring two sets of people, inspectors and</p> <p>6 mechanics at the same time, because they were</p> <p>7 going to work on a rotating basis, ten-day</p> <p>8 rotations.</p> <p>9 I says, I need you to identify and fix</p> <p>10 what you can as you find them. So during that</p> <p>11 rotation, that's what they did, and I tracked it</p> <p>12 on the spreadsheet. Make a long story short,</p> <p>13 but at the end of this project all doors were</p> <p>14 addressed and fixed, which was something that</p> <p>15 wasn't done for years before I got there.</p> <p>16 When they called me and asked me, Why</p> <p>17 didn't you follow the proper way, I says,</p> <p>18 Because it didn't work in this particular</p> <p>19 situation. I was able to accomplish the goal of</p> <p>20 keeping the hospital safe, getting all the doors</p> <p>21 done, and we put out a blanket ILSM to cover</p> <p>22 everything, and we trained over 4,000 people,</p> <p>23 which is all documented, on the need to close</p> <p>24 doors when there's an -- a fire alarm in the</p> <p>25 building.</p>	<p style="text-align: right;">Page 205</p> <p>1 Pasquarello</p> <p>2 Now, we took all that and Bob called</p> <p>3 me, and then they had me sit with -- so Mike is</p> <p>4 saying he didn't find out about this until a</p> <p>5 review. Completely bogus. He knew about this</p> <p>6 every step of the way. Because I told him I</p> <p>7 would be more than happy to sit with Joint</p> <p>8 Commission and explain my process to them.</p> <p>9 Because Rick Cotter, the gentleman we spoke to</p> <p>10 earlier, said that, All Joint Commission wants</p> <p>11 to know is if you had a process and followed the</p> <p>12 process. I had a process and I followed my</p> <p>13 process.</p> <p>14 The only one who explained to me the</p> <p>15 reason that my process wasn't the preferred</p> <p>16 method was Bob Shaffer, well after the point.</p> <p>17 Bob explained to me that Crothall sells their</p> <p>18 services to the hospitals based on their</p> <p>19 process. So if you turned around and showed the</p> <p>20 flaw in their process, that would keep them from</p> <p>21 getting future contracts possibly with the</p> <p>22 hospital. So never go against the process</p> <p>23 regardless of what happens.</p> <p>24 I felt my job as the fire safety</p> <p>25 person was to ensure the safety and compliance</p>

<p style="text-align: right;">Page 206</p> <p>1 Pasquarello</p> <p>2 of the hospital, not to worry so much about work</p> <p>3 order work -- work order work. The work was</p> <p>4 identified, the work was corrected, all within</p> <p>5 that week, all within that timeframe. Whatever</p> <p>6 was not done and corrected during those windows,</p> <p>7 during those rotations, work orders were made.</p> <p>8 Those were usually things that</p> <p>9 required parts or required labor that was</p> <p>10 specialized, like, maybe electronic door closers</p> <p>11 or something. So those were the only ones that</p> <p>12 weren't addressed at the moment, or within that</p> <p>13 rotation, and those were the ones that were --</p> <p>14 work orders were completed.</p> <p>15 So I was willing to talk about it</p> <p>16 then. I'm willing to talk about it now. And I</p> <p>17 will talk about my process to anybody who asks.</p> <p>18 I had a process that worked and took care of</p> <p>19 deficiencies that were open for years. You're</p> <p>20 using this as a way to write me up all because</p> <p>21 you don't want somebody with more experience and</p> <p>22 older than you working for you. That's my</p> <p>23 belief, and that's how I did this. It had</p> <p>24 nothing to do with work orders not being</p> <p>25 completed.</p>	<p style="text-align: right;">Page 207</p> <p>1 Pasquarello</p> <p>2 The -- so, yes, did I work work</p> <p>3 orders? Only for the ones that were</p> <p>4 outstanding, and I only did that because the</p> <p>5 amount of work required to not only clear up</p> <p>6 this year's but all the past year or two needed</p> <p>7 to be done the way I did it. I believe that was</p> <p>8 the best way to do it, and I still believe it's</p> <p>9 the best way to do it.</p> <p>10 Q. That very long answer you gave me, did</p> <p>11 you ever write that up and submit it to</p> <p>12 Mr. Roche?</p> <p>13 A. Yes, I did.</p> <p>14 Q. When?</p> <p>15 A. When he wrote me up.</p> <p>16 Q. So at some point --</p> <p>17 A. That went to Mr. Roche and went to</p> <p>18 Patty Lizarazo. It went to everybody. I don't</p> <p>19 know how anybody could read my answers to this</p> <p>20 write-up and have found no merit to my answers.</p> <p>21 But obviously, they did, or else we wouldn't be</p> <p>22 sitting here.</p> <p>23 Q. So is it your testimony that --</p> <p>24 A. -- investigation, I don't know.</p> <p>25 Q. Is it your testimony that after</p>
<p style="text-align: right;">Page 208</p> <p>1 Pasquarello</p> <p>2 June 10, 2021, you submitted a response to the</p> <p>3 items that are listed in this Associate</p> <p>4 Counseling Report?</p> <p>5 A. Yes. And the PIP that followed it.</p> <p>6 Q. Okay. I'm right now just referring to</p> <p>7 the Associate Counseling Report. So is there a</p> <p>8 document that lists your disagreement with this</p> <p>9 Associate Counseling Report?</p> <p>10 A. Yes. I don't know if you have it but</p> <p>11 I know we submitted it.</p> <p>12 RQ MR. CLARK: I don't think we have it,</p> <p>13 so let me call on the record for</p> <p>14 production of that document.</p> <p>15 MS. SELIGER: Shaun, you guys produced</p> <p>16 that to us, and it was also part of our</p> <p>17 production. Those are the letters that --</p> <p>18 I believe -- Joe, you can correct me if I'm</p> <p>19 wrong, but I believe those are the letters</p> <p>20 that Mr. Pasquarello wrote, they were</p> <p>21 variously addressed to HR or Bob Shaffer.</p> <p>22 They were --</p> <p>23 THE WITNESS: Chris Hariegal.</p> <p>24 MS. SELIGER: Chris Hariegal. So not</p> <p>25 only did you produce those letters to us</p>	<p style="text-align: right;">Page 209</p> <p>1 Pasquarello</p> <p>2 but I believe they were part of our</p> <p>3 production as well.</p> <p>4 RQ MR. CLARK: Okay. Thank you for that</p> <p>5 representation. I'm looking at a few of</p> <p>6 them which predate this. I'll go back and</p> <p>7 look for the production. And if we don't</p> <p>8 have it, I will follow up in writing with</p> <p>9 a follow-up request for it.</p> <p>10 MS. SELIGER: Sure.</p> <p>11 Q. When you received, Mr. Pasquarello,</p> <p>12 this document that you refused to sign, why</p> <p>13 didn't you make any notation in the section that</p> <p>14 says: Associate's response to this discussion?</p> <p>15 A. Because I wanted to gather my bullets</p> <p>16 properly and not act in the moment.</p> <p>17 Q. How long after June 10, 2021 did you</p> <p>18 submit your written disagreement with this</p> <p>19 Associate Counseling Report?</p> <p>20 A. If -- if -- if we had the document,</p> <p>21 the date would be on it. But it was -- it was</p> <p>22 less than a week, I believe.</p> <p>23 Q. And to whom did you submit that</p> <p>24 disagreement?</p> <p>25 A. I know HR. Chris Hariegal. I went up</p>

<p style="text-align: right;">Page 210</p> <p>1 Pasquarello</p> <p>2 the chain of command.</p> <p>3 Q. Anybody else besides HR and Chris</p> <p>4 Hariegal that you submitted your --</p> <p>5 A. I believe Bob --</p> <p>6 Q. -- written disagreement with?</p> <p>7 A. I think Bob might have been on it. I</p> <p>8 don't remember the heading that I submitted it</p> <p>9 to, but I believe it was HR, Chris, Bob.</p> <p>10 Q. The detailed account of incident</p> <p>11 resulting in conference refers to a performance</p> <p>12 improvement plan that will accompany this</p> <p>13 document and will be presented to the associate</p> <p>14 when reviewing this form.</p> <p>15 Did you receive a performance</p> <p>16 improvement plan?</p> <p>17 A. Yes.</p> <p>18 MR. CLARK: Okay. Let's mark that</p> <p>19 Exhibit 8.</p> <p>20 Let me take this down and put that up.</p> <p>21 Okay. We are marking as Exhibit 8 a</p> <p>22 two-page document bearing Bates stamp</p> <p>23 number CH 1693 -- well, I guess it's a</p> <p>24 three-page document, CH 1693 through</p> <p>25 CH 1695.</p>	<p style="text-align: right;">Page 211</p> <p>1 Pasquarello</p> <p>2 I have it up on my screen,</p> <p>3 Mr. Pasquarello, but let me see if I can</p> <p>4 flip it so it's actually readable. But</p> <p>5 Zack will also put it in the chat for you</p> <p>6 if you want to download it there.</p> <p>7 (June 1, 2021 performance improvement</p> <p>8 plan bearing Bates stamp CH 1693 through CH</p> <p>9 1695 was marked Pasquarello Exhibit 8 for</p> <p>10 identification, as of this date.)</p> <p>11 MR. CLARK: There we go. Okay. So</p> <p>12 take a look at this document either on my</p> <p>13 screen and I'm happy to scroll for you or</p> <p>14 through the chat, and let me know when</p> <p>15 you're done.</p> <p>16 THE WITNESS: Shaun, would it be all</p> <p>17 right if we took a bathroom break real</p> <p>18 quick?</p> <p>19 MR. CLARK: Of course. Of course.</p> <p>20 Off the record.</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 2:48 p.m., and we are going off the record.</p> <p>23 (Recess from 2:48 to 2:59.)</p> <p>24 THE VIDEOGRAPHER: The time is</p> <p>25 2:59 p.m., and we are back on the record.</p>
<p style="text-align: right;">Page 212</p> <p>1 Pasquarello</p> <p>2 Q. Okay. Mr. Pasquarello, welcome back.</p> <p>3 On the break did you review any documents?</p> <p>4 A. No.</p> <p>5 Q. Did you speak with anybody?</p> <p>6 A. Just Leah.</p> <p>7 Q. Okay. Just before the break we had</p> <p>8 marked Exhibit 8, which is the June 1, 2021</p> <p>9 performance improvement plan. Let me put it</p> <p>10 back on up the screen. I think it's also</p> <p>11 available in the chat if you want to look at it</p> <p>12 that way and download it. But take a look at</p> <p>13 this document -- it's really a two-page document</p> <p>14 with a blank page in the middle. Take a look at</p> <p>15 this two- or three-page document, and let me</p> <p>16 know when you're done.</p> <p>17 A. I'm familiar with this document.</p> <p>18 We -- you could ask questions. Sure.</p> <p>19 Q. Okay. Is this a document you've seen</p> <p>20 before?</p> <p>21 A. Yes.</p> <p>22 Q. Did you receive this performance</p> <p>23 improvement plan on or about June 10, 2021 when</p> <p>24 you received the counseling we looked at in</p> <p>25 Exhibit 7?</p>	<p style="text-align: right;">Page 213</p> <p>1 Pasquarello</p> <p>2 A. I -- yes.</p> <p>3 Q. And scrolling to the bottom of the</p> <p>4 first page there, the signature above Manager</p> <p>5 Signature, is that Mr. Roche's signature?</p> <p>6 A. Yes.</p> <p>7 Q. And you declined to sign this</p> <p>8 performance improvement plan; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. On the second page of the plan, third</p> <p>11 page of the exhibit, there is a table with four</p> <p>12 columns, Performance Improvement, Task To Be</p> <p>13 Completed By, Measurement, and Follow-up Notes.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Putting aside whether you agreed with</p> <p>17 the need for this performance improvement plan</p> <p>18 or the tasks that were listed, did you</p> <p>19 understand that as of your receipt of this</p> <p>20 document that Mr. Roche expected you to complete</p> <p>21 the tasks under performance improvement?</p> <p>22 A. Yes.</p> <p>23 Q. And did you understand that those</p> <p>24 tasks would be measured against or gauged by the</p> <p>25 items that are listed under the heading</p>

<p style="text-align: right;">Page 214</p> <p>1 Pasquarello</p> <p>2 Measurement?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Stop sharing this for a moment.</p> <p>5 Let's mark the next exhibit, which is</p> <p>6 Exhibit 9. It's a one-page document Associate</p> <p>7 Counseling Report dated July 19, 2021, Bates</p> <p>8 stamp number CH 1697.</p> <p>9 (Associate Counseling Report dated</p> <p>10 July 19, 2021, bearing Bates stamp CH 1697</p> <p>11 was marked Pasquarello Exhibit 9 for</p> <p>12 identification, as of this date.)</p> <p>13 Q. Again, Mr. Pasquarello, I will put it</p> <p>14 on my screen. Zack has already, he's fast, put</p> <p>15 it in the chat for you. Feel free to look at it</p> <p>16 either way. Okay. Take a look at Exhibit 9,</p> <p>17 and let me know when you're done.</p> <p>18 A. I'm just checking to see if my</p> <p>19 computer was working properly, because it wasn't</p> <p>20 popping up.</p> <p>21 Okay. Again, I'm familiar with this</p> <p>22 document.</p> <p>23 Q. Is this a document that was presented</p> <p>24 to you on or about July 19, 2021?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 215</p> <p>1 Pasquarello</p> <p>2 Q. The signature at the bottom of the</p> <p>3 page, Signature of Manager, is that Mike Roche's</p> <p>4 signature?</p> <p>5 A. Yes.</p> <p>6 Q. And did you decline to sign this</p> <p>7 document?</p> <p>8 A. Yes.</p> <p>9 Q. Was that because you disagreed with</p> <p>10 its contents?</p> <p>11 A. Yes.</p> <p>12 Q. Let's take a look at the section in</p> <p>13 the middle that is headlined Detailed Account of</p> <p>14 Incident Resulting in Conference.</p> <p>15 There are two numbered paragraphs</p> <p>16 below that heading. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. In the first numbered paragraph, it</p> <p>19 says that: As of June 28, 2021, Work Order</p> <p>20 Number 503212 remains issued and open after the</p> <p>21 25th of June.</p> <p>22 Do you see that, the last sentence of</p> <p>23 Number 1?</p> <p>24 A. I do.</p> <p>25 Q. Is that an accurate statement?</p>
<p style="text-align: right;">Page 216</p> <p>1 Pasquarello</p> <p>2 A. No.</p> <p>3 Q. What is inaccurate about that last</p> <p>4 sentence of paragraph Number 1?</p> <p>5 A. Everything about that statement is</p> <p>6 also false. There was a PM that was still left</p> <p>7 open because it was supposed to be left open.</p> <p>8 That PM was supposed to have its date changed.</p> <p>9 It was for a dry pump test in the Hess building.</p> <p>10 That test was performed. It's an annual test.</p> <p>11 The last ones were performed in March and</p> <p>12 October, so neither test was due. That test was</p> <p>13 supposed to -- all that was supposed to happen</p> <p>14 with that work order, it was -- the date was</p> <p>15 supposed to be changed.</p> <p>16 Mike Roche and Matt Bond falsified</p> <p>17 that document by closing it out, attesting that</p> <p>18 work was completed that was never completed, and</p> <p>19 closed it while I wasn't even in the office on</p> <p>20 the 30th of the month or close to the 30th of</p> <p>21 the month.</p> <p>22 That is a complete fabrication. The</p> <p>23 work order that's associated with that was</p> <p>24 fabricated as closed when it shouldn't have been</p> <p>25 closed. I -- it was my intention then and it's</p>	<p style="text-align: right;">Page 217</p> <p>1 Pasquarello</p> <p>2 my intention now that that's a criminal act that</p> <p>3 they falsified a document. I brought that to</p> <p>4 everybody's attention. That's also in my</p> <p>5 answer. And that -- that's just completely</p> <p>6 unfounded and false. And as I wrote, somebody</p> <p>7 should be held accountable for falsifying</p> <p>8 records. That's on Number 1.</p> <p>9 Q. I understand your contention that you</p> <p>10 think the record was not --</p> <p>11 A. It's not a contention. It's a fact.</p> <p>12 If you look at the document, you can see --</p> <p>13 Q. I'm in the middle of a question, so I</p> <p>14 just remind you of the earlier instruction</p> <p>15 because I think we're getting a bit away from</p> <p>16 it. Please allow me to finish my question, and</p> <p>17 I'll allow you to finish your answer. At times</p> <p>18 we will mistakenly step on each other, that's</p> <p>19 okay, it happens, but please don't purposely</p> <p>20 step on the question.</p> <p>21 So the question is, as of June 28,</p> <p>22 regardless of what you think of the merit of</p> <p>23 that work order, was it open?</p> <p>24 A. Yes, it was open and it was supposed</p> <p>25 to be open.</p>

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1 Pasquarello

2 Q. So the statement, As of June 28, 2021,

3 Work Order 503212 remains issued and opened, is

4 an accurate statement, right?

5 A. Yes.

6 Q. Okay. The second numbered paragraph

7 refers to ISLMs that were not closed out by the

8 Wednesday deadline.

9 You see that?

10 A. Yes.

11 Q. Is it accurate that those ISLMs were

12 not closed by the Wednesday deadline?

13 A. That's accurate. There's more to the

14 answer but, yes, that's accurate.

15 Q. Did you submit a written response to

16 this Associate Counseling Report, as you were

17 permitted to do, in that middle section:

18 Associate response to this discussion?

19 A. I did submit a written report, yes.

20 Q. When did you make that submission?

21 A. Again, within a day or two of

22 receiving it.

23 Q. So within a day or two of July 19,

24 2021?

25 A. Yes.

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1 Pasquarello

2 Q. Let me take down Exhibit 9.

3 Earlier we looked at Exhibit 8, which

4 was a performance improvement plan that was

5 issued to you. How long was that performance

6 improvement plan for?

7 A. I believe 90 days. 30, 60, 90, or

8 something like that, or 90 day.

9 Q. So from early June 2021 to early

10 September 2021?

11 A. Yes. What was the date on the last

12 exhibit you showed?

13 Q. Let me put it back up for you. Are

14 you talking about Exhibit 8 or Exhibit 9? Are

15 you talking about the performance improvement

16 plan --

17 A. So 9 was based off of that plan

18 ending, so it's -- that's when it ended.

19 Q. Okay. Well, let's do -- before we get

20 there, let's -- one more. Let's deal with this

21 one first. So Exhibit 10 is a one-page document

22 bearing Bates number CH 1745. Again, Zack will

23 put it in the chat for you to download. I will

24 put it on my screen for you to look at. Take a

25 look at the document, and let me know if it's a

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1 Pasquarello

2 Q. To whom did you make that written

3 submission?

4 A. It would have been the same people,

5 HR, Chris, and Bob. I believe those were the

6 three.

7 Q. Did you save a copy of that written

8 submission?

9 A. I'm sure somewhere in my records I

10 have a copy of it, yes.

11 Q. Have you turned over a copy of that

12 written submission to your attorney?

13 A. Yes. And I received it back from my

14 attorney, so it's numbered. It's a part of this

15 packet of stuff that had all the numbers on it.

16 RQ MR. CLARK: Okay. So to the extent

17 it hasn't been produced, I'll call for it.

18 We will check our records if we have it,

19 and I won't need to follow up on it.

20 MS. SELIGER: Again, that is one of

21 the letters that we both included in our

22 production and received in your production,

23 but we can all make sure that it's there

24 and follow up.

25 MR. CLARK: Okay. Thank you.

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1 Pasquarello

2 document you've seen before.

3 (One-page document bearing Bates stamp

4 CH 1745 was marked Pasquarello Exhibit 10

5 for identification, as of this date.)

6 A. I never seen this document.

7 Q. In connection with this lawsuit did

8 you review documents that were produced by

9 defendants to your lawyer?

10 A. Yes, I -- I did review --

11 Q. Do you recall if this is one of the

12 documents you reviewed?

13 A. I'm opening it up again, see if this

14 is the one that -- I don't recall seeing this

15 one, even as some of the documents that my

16 attorney gave me to look at. I don't recall

17 this document.

18 Q. Did you meet with Mike Roche and Pat

19 Lizarazo on August 24, 2021 in Mike Roche's

20 office?

21 MS. SELIGER: Objection.

22 MR. CLARK: What's the objection?

23 Sorry, Mr. Pasquarello, hang on. Let

24 me make sure I can correct my question if

25 it's bad.

<p style="text-align: right;">Page 222</p> <p>1 Pasquarello</p> <p>2 What's the objection?</p> <p>3 MS. SELIGER: Foundation.</p> <p>4 Q. Okay. I don't understand that</p> <p>5 objection. Let me re-ask the question so we</p> <p>6 have a clean record.</p> <p>7 Did you meet with Mike Roche and</p> <p>8 Patricia Lizarazo in Mike Roche's office on</p> <p>9 August 24, 2021?</p> <p>10 A. I don't remember the date but there</p> <p>11 was a meeting with Mike and Patricia. I don't</p> <p>12 recall the date.</p> <p>13 Q. Do you recall if it was in August of</p> <p>14 2021?</p> <p>15 A. I honestly don't remember the date.</p> <p>16 Q. According to the first sentence of</p> <p>17 this document, it says: There were three fire</p> <p>18 drills performed which have not been uploaded</p> <p>19 into TeamDoc as of 8/24/21.</p> <p>20 Do you see that?</p> <p>21 A. I do see that.</p> <p>22 Q. Is that accurate?</p> <p>23 A. I -- I don't recall. I -- I don't</p> <p>24 remember this document. I don't remember the</p> <p>25 conversation.</p>	<p style="text-align: right;">Page 223</p> <p>1 Pasquarello</p> <p>2 Q. At the end of the document there's a</p> <p>3 sentence that begins, Patty asked. It says:</p> <p>4 Patty asked Joe how he thought he was doing</p> <p>5 meeting the requirements of the plan. Joe chose</p> <p>6 not to respond and asked me how I thought he was</p> <p>7 doing.</p> <p>8 You see that?</p> <p>9 A. I do see that.</p> <p>10 Q. Do you recall whether Ms. Lizarazo</p> <p>11 asked you how you thought you were doing under</p> <p>12 the performance improvement plan?</p> <p>13 A. No, I don't recall that.</p> <p>14 Q. How did you think you were doing</p> <p>15 meeting the requirements of the performance</p> <p>16 improvement plan?</p> <p>17 A. I thought I met all the performance --</p> <p>18 all the requirements. The last one that I said</p> <p>19 required a longer answer requires a much longer</p> <p>20 answer, but I -- I met all the criteria Mike put</p> <p>21 out in that performance improvement plan.</p> <p>22 Q. In the last sentence it says: I</p> <p>23 stated that I felt there have been some issue</p> <p>24 including the previous counseling in June, but</p> <p>25 that there was some progress on some of the</p>
<p style="text-align: right;">Page 224</p> <p>1 Pasquarello</p> <p>2 items.</p> <p>3 Do I take it from your testimony that</p> <p>4 you disagree with that statement made by, I</p> <p>5 believe, Mike Roche?</p> <p>6 A. Yes, I disagree with that.</p> <p>7 Q. All right. Now let's get to</p> <p>8 Exhibit 11, which we started talking about for a</p> <p>9 second. We'll mark as Exhibit 11 a two-page</p> <p>10 document bearing Bates number CH 1250 to 1251.</p> <p>11 Let me scroll to the top here.</p> <p>12 Mr. Pasquarello, take a look at what we have</p> <p>13 marked as Exhibit 11, and let me know when</p> <p>14 you've finished.</p> <p>15 (Memo to Joseph Pasquarello from</p> <p>16 Michael Roche dated September 20, 2021, re</p> <p>17 completion of performance improvement plan</p> <p>18 bearing Bates stamp CH 1250 to 1251, was</p> <p>19 marked Pasquarello Exhibit 11 for</p> <p>20 identification, as of this date.)</p> <p>21 A. Never seen this.</p> <p>22 Q. Okay. Let me better identify it for</p> <p>23 the record so we know what we're looking at.</p> <p>24 Exhibit 11 is a two-page document. I've given</p> <p>25 the Bates number. It is a memo to Joseph</p>	<p style="text-align: right;">Page 225</p> <p>1 Pasquarello</p> <p>2 Pasquarello from Michael Roche dated</p> <p>3 September 20, 2021, re completion of performance</p> <p>4 improvement plan.</p> <p>5 Mr. Pasquarello, you told me you've</p> <p>6 never seen this before?</p> <p>7 A. I was never given this. I believe</p> <p>8 this is one of the items that my attorney showed</p> <p>9 me that I was never -- that I never seen before.</p> <p>10 Q. Okay.</p> <p>11 A. That she -- never seen before she gave</p> <p>12 it to me or showed it to me.</p> <p>13 Q. The second sentence at the beginning</p> <p>14 of the memo, it says: This memo will document</p> <p>15 the completion of that plan and specify any</p> <p>16 areas within the plan that continue to need</p> <p>17 improvement as well as acknowledge any realized</p> <p>18 improvement.</p> <p>19 You see that?</p> <p>20 A. I see it, but --</p> <p>21 Q. Is it accurate that as of</p> <p>22 September 20, 2021, you were no longer on a</p> <p>23 performance improvement plan?</p> <p>24 A. Sir, I never seen this document, so I</p> <p>25 can't testify or comment on anything in it.</p>

<p style="text-align: right;">Page 226</p> <p>1 Pasquarello</p> <p>2 Q. So let me take down the document,</p> <p>3 because I'm not asking you to comment on the</p> <p>4 document specifically. My question is, is it</p> <p>5 accurate that as of that date, September 20,</p> <p>6 2021, you were no longer on a performance</p> <p>7 improvement plan?</p> <p>8 A. I don't know that. I was never told I</p> <p>9 was off the plan.</p> <p>10 Q. Were you ever told that the plan was</p> <p>11 extended?</p> <p>12 A. No. I was just written up a second</p> <p>13 time.</p> <p>14 Q. So when you --</p> <p>15 A. So that -- sorry.</p> <p>16 Q. Go ahead.</p> <p>17 A. That would indicate to me I was still</p> <p>18 on something. I mean, he wrote me up again for</p> <p>19 parts of the plan that he said weren't met. I</p> <p>20 disagree with that, but, you know, nevertheless,</p> <p>21 that is my understanding. So, no, I don't know</p> <p>22 if I was still on the plan or not.</p> <p>23 Q. Did you ever ask when the end date of</p> <p>24 the performance improvement plan was?</p> <p>25 A. No, at that point I was -- my</p>	<p style="text-align: right;">Page 227</p> <p>1 Pasquarello</p> <p>2 inquiries were going through HR. That's when --</p> <p>3 no.</p> <p>4 Q. Let's turn back to Exhibit 8 for a</p> <p>5 moment. Let me put it back up on my screen so</p> <p>6 we can look at the plan together. If you can</p> <p>7 see, I'm scrolling up to the top here. Can you</p> <p>8 see Exhibit 8 on my screen?</p> <p>9 A. I see it.</p> <p>10 Q. The performance improvement plan is</p> <p>11 dated June 1, 2021, right?</p> <p>12 A. Yes.</p> <p>13 Q. And then in the third paragraph of the</p> <p>14 first page it begins: Over the next 90 days.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Was it your understanding when you</p> <p>18 received this, that this performance improvement</p> <p>19 plan would begin in early June and end in early</p> <p>20 September?</p> <p>21 A. That was my understanding, yes.</p> <p>22 Q. Okay. When was your last day at</p> <p>23 Crothall?</p> <p>24 A. I don't recall. I think it was</p> <p>25 September something, but I don't recall.</p>
<p style="text-align: right;">Page 228</p> <p>1 Pasquarello</p> <p>2 Q. Let's put up Exhibit 12. Exhibit 12</p> <p>3 is a one-page document bearing Bates number</p> <p>4 CH 1637, dated September 21, 2021, to Mike Roche</p> <p>5 and Bernie Nunez from Joseph Pasquarello,</p> <p>6 subject Letter of Resignation.</p> <p>7 (One-page document dated September 21,</p> <p>8 2021 to Mike Roche and Bernie Nunez from</p> <p>9 Joseph Pasquarello, subject Letter of</p> <p>10 Resignation, bearing Bates stamp CH 1637,</p> <p>11 was marked Exhibit 12 for identification,</p> <p>12 as of this date.)</p> <p>13 Q. Mr. Pasquarello, I've put up on my</p> <p>14 screen Exhibit 12. Take a look at it, and let</p> <p>15 me know when you're done.</p> <p>16 A. Okay. I'm good.</p> <p>17 Q. Okay. Is this a document you created?</p> <p>18 A. Yes.</p> <p>19 Q. And is that your signature at the</p> <p>20 bottom, above your name?</p> <p>21 A. Yes, it is.</p> <p>22 Q. The document says: Please accept this</p> <p>23 letter as formal notification that I am</p> <p>24 resigning from my position as assistant</p> <p>25 director/fire safety with Crothall Healthcare</p>	<p style="text-align: right;">Page 229</p> <p>1 Pasquarello</p> <p>2 effective immediately.</p> <p>3 You see that?</p> <p>4 A. Yes.</p> <p>5 Q. Does that mean that your last day of</p> <p>6 employment with Crothall was September 21, 2021?</p> <p>7 A. Yes.</p> <p>8 Q. Why did you resign your position?</p> <p>9 A. I seen the writing on the wall. I</p> <p>10 knew they were -- they constructively demoted</p> <p>11 me. They were treating me with different</p> <p>12 standards. They -- they were -- I was getting</p> <p>13 physically sick working there at that point, and</p> <p>14 I couldn't do it anymore so I left.</p> <p>15 I had -- to that point my record is</p> <p>16 impeccable. I wasn't going to [inaudible] that</p> <p>17 with unfounded accusations mar up until that</p> <p>18 point 30, 40 years of good work.</p> <p>19 Q. You allege in this lawsuit that you</p> <p>20 were subject to discrimination on the basis of</p> <p>21 your age?</p> <p>22 A. Yes.</p> <p>23 Q. Who do you believe discriminated</p> <p>24 against you?</p> <p>25 A. Michael Roche.</p>

<p style="text-align: right;">Page 230</p> <p>1 Pasquarello</p> <p>2 Q. Anyone else?</p> <p>3 A. Michael was my boss, or my supervisor,</p> <p>4 so nobody else mattered. But he -- he fostered</p> <p>5 an atmosphere of where it was free to -- to</p> <p>6 treat differently people older than them.</p> <p>7 Q. Putting aside in your terms whether</p> <p>8 anybody else mattered, do you believe anybody</p> <p>9 else discriminated against you based on your</p> <p>10 age?</p> <p>11 A. I wouldn't know. He -- he's the only</p> <p>12 one that matters. He -- he was the boss. He</p> <p>13 was the -- the head of the department.</p> <p>14 Q. You don't know if anybody else</p> <p>15 discriminated against you?</p> <p>16 A. Mike controlled my career. Nobody</p> <p>17 else did. So how anybody else thought or acted</p> <p>18 towards me wouldn't prompt me to bring action.</p> <p>19 Q. What specific actions did Mike Roche</p> <p>20 take that you believe were discriminatory based</p> <p>21 on your age?</p> <p>22 A. I believe when you looked at the other</p> <p>23 members of the immediate team that had</p> <p>24 day-to-day daily activities with Mike, I was the</p> <p>25 only person remotely -- nowhere near their age,</p>	<p style="text-align: right;">Page 231</p> <p>1 Pasquarello</p> <p>2 20, 30 years older than most of them. I was</p> <p>3 treated differently. I was denied basic</p> <p>4 equipment for my department. I was denied basic</p> <p>5 equipment for myself.</p> <p>6 I was held to different deadlines than</p> <p>7 everybody else. My work orders are double,</p> <p>8 triple, if not more than everybody else, and</p> <p>9 he's holding those to example on -- on work not</p> <p>10 being done that goes back to that Exhibit 9 or</p> <p>11 10, where all those interim life safety measures</p> <p>12 that -- there was completely misleading</p> <p>13 information on that. Those -- there was 40, 50</p> <p>14 of them made in a three-day period. If you're</p> <p>15 going to do it accurately and keep the hospital</p> <p>16 safe, you can't close 40, 50 things out in</p> <p>17 24 hours. You're not doing a fair job to the</p> <p>18 device and to the people. So he held me to</p> <p>19 different standards.</p> <p>20 He -- he often dismissed my experience</p> <p>21 and -- and wisdom for unexperienced younger</p> <p>22 people's opinions, which were based in nothing.</p> <p>23 The doors were an example, the door hinges for</p> <p>24 that point. There -- there's dozens of reasons.</p> <p>25 I'm not the type that would bring a suit unless</p>
<p style="text-align: right;">Page 232</p> <p>1 Pasquarello</p> <p>2 I really believed it was discrimination based</p> <p>3 on -- on my difference with them and that was my</p> <p>4 age.</p> <p>5 Q. You said there are dozens of reasons.</p> <p>6 I want to make sure that I hear them all --</p> <p>7 A. I probably just gave you half a dozen.</p> <p>8 I don't know. You know, but the -- the lack of</p> <p>9 equipment, the fact that I had a budget that he</p> <p>10 never told me I had, I only found out about it</p> <p>11 when complaining to -- to Chris Hariegal. He</p> <p>12 thought that was good to keep the budget -- the</p> <p>13 discretionary budget from me. Again, you don't</p> <p>14 know what you don't know. So did I ask that I'm</p> <p>15 going to you for equipment that I had the means</p> <p>16 to purchase on my own all along, and I don't</p> <p>17 find out about that until I make formal</p> <p>18 complaints?</p> <p>19 It's discriminatory, and it was</p> <p>20 discriminatory based on my age. He did not want</p> <p>21 somebody with more experience shining in that</p> <p>22 department. And it became even more so apparent</p> <p>23 after I extinguished the fire in the mechanical</p> <p>24 room in Annenberg. All of a sudden now I was</p> <p>25 known by Ms. Lamb and Dr. Rich, and that really</p>	<p style="text-align: right;">Page 233</p> <p>1 Pasquarello</p> <p>2 sent them over the edge.</p> <p>3 And the hostility ramped up at that</p> <p>4 point to the point where I was hospitalized</p> <p>5 twice for chest pains. I was getting irritable</p> <p>6 bowel syndrome. It was a toxic place to work,</p> <p>7 and it was all because of his pettiness that he</p> <p>8 didn't want anybody with experience or age</p> <p>9 working for him. It was -- it was a terrible</p> <p>10 place.</p> <p>11 Q. Have you told me all of the ways in</p> <p>12 which you believe Mr. Roche discriminated</p> <p>13 against you based on your age?</p> <p>14 A. You know, whenever you finish a</p> <p>15 conversation, no matter what it is, an hour</p> <p>16 later you say, Oh, I should have said that. So,</p> <p>17 no, I'll leave it open ended that there was</p> <p>18 probably more things he did, but right now, in</p> <p>19 this face to face with you, that's what's coming</p> <p>20 to the immediate mind.</p> <p>21 Q. Well, this is your --</p> <p>22 THE VIDEOGRAPHER: There's some</p> <p>23 feedback.</p> <p>24 MR. CLARK: Matt, can you tell where</p> <p>25 it's coming from so we could isolate a mic?</p>

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1 Pasquarello

2 THE VIDEOGRAPHER: I think it's from

3 Joseph, but I'll monitor it and let you

4 know.

5 Q. Mr. Pasquarello, this is your

6 deposition testimony, so I want to make sure I

7 give you the opportunity to tell me all of the

8 ways or actions that Mr. Roche took to

9 discriminate against you. So as you sit here

10 today, can you remember any other actions that

11 he did to discriminate against you based on your

12 age?

13 A. I know there's not a transcript so I

14 would ask for a read back of what I've already

15 said because I don't want to just keep repeating

16 myself. Is that possible in this type of

17 format? I don't know.

18 Q. Jeff could certainly read back your

19 answer. Before we do that, is there anything

20 else that's come to mind that you don't think

21 you've already said?

22 A. I -- I -- I would just reserve my

23 right to amend it if, when I read the

24 transcript, I missed something or misspoke

25 something. And I know that that's customary,

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1 Pasquarello

2 MR. CLARK: This is not a legal

3 conclusion. I'm definitely not asking you

4 to tell me what the law is here.

5 Mr. Pasquarello, so we're clear, I'm asking

6 you to tell me what actions happened that

7 you believe were discriminatory based on

8 your age.

9 So let's have Jeff read that answer

10 back. And if there's something you have to

11 add, you can do that after he's able to do

12 that for you.

13 (The record was read back.)

14 MR. CLARK: Thank you, Jeff.

15 Q. Mr. Pasquarello, are there any other

16 actions that you believe Mr. Roche took that

17 were discriminatory based on your age that you

18 haven't already told me?

19 MS. SELIGER: Objection.

20 THE WITNESS: Thank you, Jeff, for

21 that.

22 A. And, Shaun, no, I think that covered

23 it.

24 MS. SELIGER: Shaun, I think it's --

25 it's unrealistic to expect someone to

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1 Pasquarello

2 so.

3 Q. Well, it's not, and here is -- here is

4 why. If you -- if you have further testimony

5 that you give later, we'll have to call you back

6 to ask you about it. So I want to make sure we

7 cover that now.

8 MR. CLARK: So let's do this. Jeff,

9 can you read back his long answer about the

10 ways in which he thought he was

11 discriminated against, and make sure that

12 Mr. Pasquarello doesn't have anything to

13 add right now?

14 THE COURT REPORTER: Yes, I can do

15 that.

16 MS. SELIGER: Objection.

17 THE COURT REPORTER: I'm sorry,

18 Ms. Seliger, did you just say objection?

19 MS. SELIGER: I did.

20 THE COURT REPORTER: Okay.

21 MS. SELIGER: Shaun, if you're asking

22 Mr. Pasquarello to make a legal conclusion,

23 he cannot obviously. He can recall what he

24 can recall, but, you know, you have his

25 complaint.

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1 Pasquarello

2 recall hundreds of details or what -- I

3 mean, I'm not saying hundreds. But if --

4 if there's something that comes up, you

5 will be free to question plaintiff about

6 it.

7 MR. CLARK: Sure. I will take your

8 speaking objection under advisement and say

9 that this is Mr. Pasquarello's time to

10 testify about what happened to him, and it

11 should be realistic that he could testify

12 about something that happened last year.

13 So my speaking response to your speaking

14 objection, I think we can continue now.

15 Q. Mr. Pasquarello, what equipment were

16 you denied by Mr. Roche because of your age?

17 A. I asked for the laptop so that I can

18 do some work at home. Especially during the

19 pandemic we needed to work at home a lot. I was

20 denied a laptop. I was told that only one per

21 department. I don't believe that to be the

22 case. I can't see a company as big as Compass

23 and Crothall only -- saying only one for

24 department.

25 I asked for monitors to be linked to

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1 Pasquarello

2 computers in the fire safety office so that we

3 could better track and improve the processes and

4 procedures and work orders and shutdowns, and

5 all that other stuff that the marshals have to

6 do day-to-day. He wouldn't give me the --

7 the -- regardless of how many times I asked for

8 it and how many formal proposals we put in for

9 it, it was never approved.

10 We asked -- as a department, or as

11 myself I asked for the television set, not only

12 to be used to monitor the news during the unrest

13 that was going on at the city at the time but to

14 also link to the computers so that we can work

15 upstairs remotely, and I can update this --

16 their -- the marshal's office systems as needed.

17 Those were all turned down to me.

18 So basic equipment that other

19 departments would get with the younger managers

20 gleefully and with no problem was given. Every

21 time I asked for something regardless what it

22 was, it wasn't given. The TV is a good example.

23 They wanted theirs for pleasure. I wanted mine

24 for work. They got them for pleasure. I didn't

25 get it for work. That -- that was a clear

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1 Pasquarello

2 there's the difference. It's not an

3 apples-to-apple comparison.

4 Q. I appreciate you're thinking my

5 question is not relevant.

6 A. Sir --

7 Q. Let me ask it this way.

8 A. -- that it wasn't apples to apples.

9 Q. Let me ask it this way. How many

10 people reported to Ryan Nowicki?

11 A. I don't know that.

12 Q. If I told you based on the 2021 org

13 chart that one, two, three, four, five, six

14 people reported to him, would that surprise you?

15 A. No. Ryan is a director of

16 engineering. That wouldn't surprise me.

17 Q. How many laptops did his department

18 have?

19 A. I have no idea.

20 Q. How many people reported to Jeannie

21 Lai?

22 A. None that -- well, one that I know of.

23 Q. What's that person's name?

24 A. I think Shelby reported to her.

25 Am I correct? I don't know.

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1 Pasquarello

2 discriminatory act.

3 Threatening me with the -- with, I'm

4 an at-will employee whenever I would ask for

5 something was another way he's holding me

6 differently. I never heard him say that to

7 anybody other than me.

8 Q. My question was, what equipment were

9 you denied based on your age? Have you told me

10 all of the equipment you were denied based on

11 your age?

12 A. That I can recall right now, yes.

13 Q. How many laptops did the other

14 departments who reported to Mike Roche have?

15 A. I don't think that's relevant because

16 they didn't have subordinates the way I did. So

17 Bobby had -- he was an assistant director in the

18 department, him and Bob -- him and Doug. Each

19 assistant directors had their own computers but

20 they didn't have managers that worked under them

21 the way I did. I had two managers that worked

22 under me.

23 So you are giving one computer to a

24 three-management team, where you are giving one

25 computer to a one-management team. So there --

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1 Pasquarello

2 Q. Are you familiar with somebody named

3 Peter Cabrera?

4 A. Yes, I know Peter. Peter reported to

5 her? Okay. I didn't know that.

6 Q. Are you familiar with someone named

7 Steven -- I'll spell the last name if I could

8 read it, N-A-F-A-S-H?

9 A. Nafash? Yes, I know the name.

10 But they -- they don't -- they're not

11 life safety the way I am. They don't have the

12 need for that computer at home the way I did.

13 We're dealing with the safety of the hospital.

14 He's holding a computer away from the man who is

15 responsible for the fire and life safety of the

16 hospital, so you're going to compare that to the

17 lady who is doing payroll and doesn't take that

18 home with her? I don't see the comparison.

19 I'm not saying your question is not

20 relevant. I'm saying I don't see how you're

21 making that comparison between the director of

22 fire and life safety needing to be able to log

23 into the system at -- at any time day and night

24 to somebody who is taking care of payroll, or

25 somebody who is ordering pencils. It's two

<p style="text-align: right;">Page 242</p> <p>1 Pasquarello</p> <p>2 different things.</p> <p>3 I needed the computer and because he</p> <p>4 wouldn't give it to me, I went out and I bought</p> <p>5 my own and I uploaded or downloaded their system</p> <p>6 so I can do it. I did that because of my work</p> <p>7 ethic and my desire to keep people safe. I</p> <p>8 didn't do it because -- any other reason that it</p> <p>9 was the right thing to do for me, for my</p> <p>10 conscience. His conscience has to believe he</p> <p>11 didn't give me the right equipment to do the</p> <p>12 job.</p> <p>13 Q. I have no idea what question you just</p> <p>14 answered. I don't think there was a question</p> <p>15 pending. Do you think I am -- strike that.</p> <p>16 You told me earlier that you were</p> <p>17 denied equipment and other departments were not.</p> <p>18 What department is a fair comparison, in your</p> <p>19 mind, for determining who should have gotten</p> <p>20 equipment and who shouldn't have?</p> <p>21 A. The departments that handle emergency</p> <p>22 should have it. Which other departments handle</p> <p>23 emergencies? Would be the -- maybe the leader</p> <p>24 of plumbing, the leader of electric, leader of</p> <p>25 HVAC. I believe those directors should have a</p>	<p style="text-align: right;">Page 243</p> <p>1 Pasquarello</p> <p>2 laptop along with maybe their managers, because</p> <p>3 we are dealing with the safety of -- of the</p> <p>4 hospital and equipment.</p> <p>5 I don't think people who are not on</p> <p>6 call 24/7 the way -- I'm actually on call 24/7</p> <p>7 when I work there. That -- that was part of my</p> <p>8 job. I was on call 24/7. So if I'm on call</p> <p>9 24/7, I believe that the -- the -- the</p> <p>10 organization had an obligation to give me the</p> <p>11 equipment I needed to perform my job if I'm</p> <p>12 expected to answer calls at all hours of the day</p> <p>13 and night, weekends, and holidays.</p> <p>14 So, no, I don't think you're making</p> <p>15 fair comparisons. I think we're just trying to</p> <p>16 say nobody else had it. Well, I don't think</p> <p>17 they -- they had the need that I had. That --</p> <p>18 that's what I'm saying. And I think that need</p> <p>19 is based on Michael not wanting to give it to</p> <p>20 me.</p> <p>21 Q. Who led plumbing?</p> <p>22 A. Well, it would fall under the umbrella</p> <p>23 of the plant, but I -- the manager was a Joseph</p> <p>24 Ecklof.</p> <p>25 Q. Joseph -- I'm sorry, tell me the last</p>
<p style="text-align: right;">Page 244</p> <p>1 Pasquarello</p> <p>2 name?</p> <p>3 A. Ecklof, ran plumbing.</p> <p>4 Q. How many laptops did the plumbing</p> <p>5 group have?</p> <p>6 A. I have no idea, but I also don't know</p> <p>7 if Joseph is on call 24/7 like I did. So like I</p> <p>8 said, I'm prefacing -- I'm answering your</p> <p>9 question with whoever was on call 24/7 should</p> <p>10 have had a laptop computer. I don't know who</p> <p>11 else that was besides me, but I'm only concerned</p> <p>12 really about me and my department.</p> <p>13 Q. As you sit here today, can you think</p> <p>14 of anybody else who reported to Mike Roche who</p> <p>15 was on call 24/7 like you were?</p> <p>16 A. In an emergency capacity, no.</p> <p>17 Q. You told me that Mike Roche held you</p> <p>18 to deadlines in a way he didn't hold others who</p> <p>19 reported to him to those deadlines; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. The deadlines that you had, were they</p> <p>23 for the same type of projects as the deadlines</p> <p>24 that other departments that reported to Mike</p> <p>25 Roche had?</p>	<p style="text-align: right;">Page 245</p> <p>1 Pasquarello</p> <p>2 A. Rephrase that, please?</p> <p>3 Q. Sure.</p> <p>4 What kind of deadlines did Mike Roche</p> <p>5 hold you to?</p> <p>6 A. Well, like the fact on the PIP, he</p> <p>7 wanted my PMs done by the 24th, when company</p> <p>8 policy is by the end of the month. There --</p> <p>9 there's a different standard for me than</p> <p>10 everybody else. It's not that I was ever late</p> <p>11 or missed deadlines. You know? He just didn't</p> <p>12 like the fact that mine were being closed in the</p> <p>13 books on the end of the month instead of mid</p> <p>14 month. Different standard.</p> <p>15 Understand, though, that a lot of work</p> <p>16 is not in my control, and that's another way he</p> <p>17 was able to -- to manipulate the books. In</p> <p>18 other words, if there was a -- a life safety</p> <p>19 deficiency that involved exit lights being out,</p> <p>20 that comes to me as a life safety deficiency,</p> <p>21 that goes on my books. I don't go and fix that</p> <p>22 light. None of my people go and fix that light.</p> <p>23 His electrician goes and fixed that light.</p> <p>24 Mike would allow the electricians and</p> <p>25 the plumbers to de-prioritize my work and</p>

<p style="text-align: right;">Page 246</p> <p>1 Pasquarello</p> <p>2 prioritize their work, which was more routine</p> <p>3 than emergency on a normal basis. And that</p> <p>4 would force a lot of times me arguing in the</p> <p>5 morning meeting to get something done so that,</p> <p>6 1, we don't miss deadline, and, 2, that the</p> <p>7 hospital was safe. You're going to allow them</p> <p>8 to fix a toilet bowl over a standpipe valve.</p> <p>9 And when I say, Mike, you got to do</p> <p>10 the standpipe valve first, he would blow it off.</p> <p>11 You know, why? Because I was being held to the</p> <p>12 different standard, but he's able to manipulate</p> <p>13 the other company -- the other departments to</p> <p>14 make it harder for me to meet the standards he's</p> <p>15 self-inflicting on me.</p> <p>16 Q. Is it fair to say that your deadlines,</p> <p>17 generally, are more important because you're</p> <p>18 involved in life safety issues?</p> <p>19 A. I believe that, yes.</p> <p>20 Q. Do you know whether Mike Roche held</p> <p>21 anybody else to a standard of submitting PMs by</p> <p>22 the 24th of the month?</p> <p>23 A. Not to my knowledge. No.</p> <p>24 Q. Did you tell me earlier that you had</p> <p>25 more work orders than every other department</p>	<p style="text-align: right;">Page 247</p> <p>1 Pasquarello</p> <p>2 head who reported to Mike Roche?</p> <p>3 A. No, I didn't say I had more work</p> <p>4 orders. My work orders are different. My work</p> <p>5 orders generate those additional interim life</p> <p>6 safety measures. Nobody else's work orders</p> <p>7 generate those. So for every one work order I</p> <p>8 have, it's in essence two jobs I have to do,</p> <p>9 where everybody else just has the one job. And,</p> <p>10 again, the work that's attached to those work</p> <p>11 orders I'm not doing. I have to then get the</p> <p>12 other departments to do that work for me --</p> <p>13 Q. So in other words, it wouldn't be --</p> <p>14 A. Well, I'm not -- without the backing</p> <p>15 of Michael, which I didn't have, it was very</p> <p>16 difficult to meet his deadline sometimes,</p> <p>17 because he allowed the -- the -- the</p> <p>18 discrimination to go beyond him and not</p> <p>19 prioritize my work, which is priority work.</p> <p>20 Q. Are you saying that it wouldn't be</p> <p>21 fair to compare the number of work orders that</p> <p>22 fire safety had with the number of work orders</p> <p>23 that any other department that reported to Mike</p> <p>24 Roche had?</p> <p>25 A. No, I don't think I would say it</p>
<p style="text-align: right;">Page 248</p> <p>1 Pasquarello</p> <p>2 wasn't fair. I'm just saying mine are</p> <p>3 different. And I don't do the work. I have to</p> <p>4 have others do the work for us.</p> <p>5 Q. Was there any other department that</p> <p>6 reported to Mike Roche that had work orders of</p> <p>7 the nature that fire safety had?</p> <p>8 A. Of the nature? No.</p> <p>9 Q. I think you told me earlier that Mike</p> <p>10 Roche dismissed your experience and wisdom. Did</p> <p>11 I hear you correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Can you tell me how he dismissed your</p> <p>14 experience and wisdom?</p> <p>15 A. Well, the only example I gave you was</p> <p>16 the door checks. You want to put delayed door</p> <p>17 checks on terminal chute rooms, it is not a good</p> <p>18 idea. It wasn't really to code, although it</p> <p>19 wasn't specifically prohibited by code. It</p> <p>20 just -- you don't use those type of door hinges.</p> <p>21 All my marshals were supposed to have</p> <p>22 elevator keys to put the elevators in</p> <p>23 independent mode. Michael said that they didn't</p> <p>24 have a need for them. I sent him the -- the</p> <p>25 passage in the fire life safety director's</p>	<p style="text-align: right;">Page 249</p> <p>1 Pasquarello</p> <p>2 handbook that says that's part of their basic</p> <p>3 equipment and job function.</p> <p>4 Douglas Rome told him, No, they don't</p> <p>5 really need it. And Mike went with somebody who</p> <p>6 has no fire safety experience, just -- he</p> <p>7 thought it was good to keep a key away from</p> <p>8 members. That did become an issue during the</p> <p>9 fire actually when the elevator got stuck and</p> <p>10 they had no means to independently operate it.</p> <p>11 So I brought that up, and he's, like,</p> <p>12 keep it out of the report. He didn't want any</p> <p>13 negative things in my after-action report. So</p> <p>14 we wrote two different reports for that</p> <p>15 after-action, one with the suggestions and one</p> <p>16 that he submitted.</p> <p>17 The -- the fact that fire safety it's</p> <p>18 not our understanding to know the systems like</p> <p>19 he wrote down in the thing in the -- in the</p> <p>20 weeds, as he put it. That's the plumbers or a</p> <p>21 licensed master fire suppression plumber would</p> <p>22 know this -- the drain down -- shutdown</p> <p>23 sequences, all the different valves. That's not</p> <p>24 something a standard fire safety director would</p> <p>25 know. And when I told him that, he dismissed</p>

<p style="text-align: right;">Page 250</p> <p>1 Pasquarello</p> <p>2 it.</p> <p>3 So these -- these are just some</p> <p>4 examples of how he would dismiss my -- my</p> <p>5 experience with, Oh, no, we don't do it like</p> <p>6 that here. Well, that's the way the industry</p> <p>7 does it. Why don't you do it like that here?</p> <p>8 Q. As you sit here today, can you think</p> <p>9 of any other examples of times when Mr. Roche</p> <p>10 dismissed your experience and wisdom?</p> <p>11 A. Again, I'll -- it's the same answer I</p> <p>12 had before. We'll hang up and I'll think of</p> <p>13 something. So I think I gave enough examples</p> <p>14 right now for this record.</p> <p>15 Q. So as you sit here today you cannot</p> <p>16 think of any other examples, other than those</p> <p>17 that you've already provided, when Mr. Roche</p> <p>18 dismissed your experience and wisdom?</p> <p>19 A. Sir, what I'm saying is, if I think of</p> <p>20 anything else, I'll tell my attorney and I'm</p> <p>21 happy to sit here and be questioned by you</p> <p>22 again.</p> <p>23 Q. I just want to know if you can think</p> <p>24 of any right now or not, so that's yes or no.</p> <p>25 As you sit here, can you think of any other</p>	<p style="text-align: right;">Page 251</p> <p>1 Pasquarello</p> <p>2 examples?</p> <p>3 A. No, I can't think of anymore right</p> <p>4 now.</p> <p>5 Q. Why do you believe -- strike that.</p> <p>6 What's your basis for believing that</p> <p>7 Mr. Roche dismissed your experience and wisdom</p> <p>8 based on your age?</p> <p>9 A. The -- it's -- it's the only factor</p> <p>10 that made me different than the rest of his</p> <p>11 team. They never doubted my experience. I</p> <p>12 mean, I've asked that to him. I asked it to</p> <p>13 Bob. I asked it to Hariegal. They all</p> <p>14 acknowledged that none of them have nearly my</p> <p>15 experience in fire safety. That -- that, you</p> <p>16 know, they all said that verbally and in other</p> <p>17 statements. But yet Mike would dismiss the</p> <p>18 guidance I'm trying to give him. As the subject</p> <p>19 matter expert, you should never do that, and the</p> <p>20 only thing different for me was my age.</p> <p>21 Q. Were your positions also different?</p> <p>22 A. What do you mean?</p> <p>23 Q. Did you have different positions than</p> <p>24 the folks who were not dismissed by Mr. Roche?</p> <p>25 A. I'm sorry. I'm not -- I'm not</p>
<p style="text-align: right;">Page 252</p> <p>1 Pasquarello</p> <p>2 following you.</p> <p>3 Q. You told me in your answer before that</p> <p>4 the only thing that was different between you</p> <p>5 and the others who were not dismissed was your</p> <p>6 age; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Were your positions also different?</p> <p>9 Did you hold -- strike -- let me strike that</p> <p>10 earlier comment so I could ask -- the earlier</p> <p>11 question so I could ask it better.</p> <p>12 Did you hold a different position than</p> <p>13 the folks who were not dismissed in the same</p> <p>14 manner?</p> <p>15 A. No. We held the same positions in</p> <p>16 different departments.</p> <p>17 Q. Did you have different tenure with</p> <p>18 Crothall than the folks who were not dismissed?</p> <p>19 A. My tenure with Crothall was different,</p> <p>20 but my years in the business were longer. I'm</p> <p>21 not -- I would consider myself the subject</p> <p>22 matter expert in fire safety. Why you would ask</p> <p>23 the guy who sends the painter out what to do</p> <p>24 about elevators doesn't make sense to me.</p> <p>25 Q. Who was with Crothall longer, you or</p>	<p style="text-align: right;">Page 253</p> <p>1 Pasquarello</p> <p>2 Mike Roche?</p> <p>3 A. Mike Roche.</p> <p>4 Q. Who was with Crothall longer, you or</p> <p>5 Doug Rome?</p> <p>6 A. I can help you out. I was the -- the</p> <p>7 junior guy with Crothall to all those people</p> <p>8 you're about to name.</p> <p>9 Q. Was there anybody more junior than you</p> <p>10 who reported to Mike Roche?</p> <p>11 A. I would say Ron Kanterman when he came</p> <p>12 aboard in -- in my department. And then I would</p> <p>13 say Mario when he came aboard. So anybody who</p> <p>14 came in after me was junior to me. Those are</p> <p>15 the two that I can think of at this point.</p> <p>16 Q. Mr. Kanterman reported to you, right?</p> <p>17 A. Yes, he did.</p> <p>18 Q. And you reported to Mike Roche?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And Mario Persaud was an</p> <p>21 administrative person; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Other than those two, were</p> <p>24 there anybody -- was there anybody who reported</p> <p>25 to Mike Roche who was less tenured than you were</p>

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2 at Crothall?

3 A. I don't -- I don't know that.

4 Q. Did Mike Roche ever make any

5 derogatory comments to you about your age?

6 A. After the fire there was a comment,

7 you know, What do you think, you're still a kid?

8 You can't be doing stuff like that. There --

9 innuendos, you know, I would have to put my

10 glasses on every time we looked at something,

11 like stupid innuendos but, yes, there were.

12 Q. What innuendos were made by Mike Roche

13 that were disparaging or discriminatory based on

14 your age?

15 A. We're responding to something, I'm

16 there, Oh, we better take the elevator. Don't

17 let the old guy walk the stairs, things like

18 that. I mean, he might -- I don't know if he

19 thought it was a joke or what, but it was very

20 offensive.

21 Q. Any other innuendos that as you sit

22 here today you can remember, other than, Can't

23 be doing that stuff like that, and, Don't make

24 the old guy walk the stairs?

25 A. No, I don't recall anything right now,

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2 Bobby being there?

3 A. I only have a specific recollection

4 that it was done during rounds, and those are

5 the people who normally do rounds together.

6 Q. Do you have a specific recollection of

7 Matt being there when the statement about not

8 walking the stairs was made?

9 A. No. But Matt was always with me, so,

10 yeah, Matt was there.

11 Q. Do you have a specific recollection

12 that Matt was, in fact, there when this

13 statement was made?

14 A. I'll answer it again. Matt was always

15 with me when we do rounds, so I would say he was

16 there. The -- am I closing my eyes and

17 picturing Matt next to me, no.

18 Q. And we're referring to Matt Bond; is

19 that right?

20 A. Yes.

21 Q. Do you have a specific recollection of

22 Chris being there when the statement was made?

23 A. Again, no specific recollection

24 exactly. I just know it happened during rounds,

25 and those are the guys we do rounds with.

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2 like I said.

3 Q. When he said that you should not walk

4 the stairs, was anybody else present?

5 A. Yeah. We were walking as a group.

6 Q. Who else was there?

7 A. The group usually consisted of Doug,

8 Bobby, Matt, maybe Chris, this one guy Chris

9 Pantoja, he -- he reported to Bobby. That's

10 usually the rounds people.

11 Q. You said "usually" twice. I'm curious

12 who was actually there when that comment was

13 made. Was Doug, Bobby, Matt, and Chris, in

14 fact, there when Mike Roche made this comment

15 about walking the stairs?

16 A. I wasn't alone with Mike Roche. And

17 those are the people that usually accompany our

18 rounds, so that -- that's who would have been

19 there.

20 Q. Do you have a specific --

21 A. I know it wasn't just Mike and I.

22 Q. Do you have a specific recollection of

23 Doug being there?

24 A. Like I said, no.

25 Q. Do you have a specific recollection of

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2 Q. Where were you in the hospital when

3 Mr. Roche made the statement?

4 A. We were walking the tunnel coming up

5 out of the morning meeting. We were going into

6 the Annenberg building. And when we got into

7 the Annenberg building, Let's take the

8 elevators. The old guy can't take the stairs.

9 Q. When was that comment made, the date?

10 A. I don't know.

11 Q. Can you approximate for me when it was

12 made?

13 A. It was made when the tents were

14 erected. So whenever they were putting those

15 beds down in the -- in the lobby areas for

16 COVID, that's when that comment was made. I

17 remember the beds being erected and the -- the

18 medical, gas, plumbing being installed.

19 Q. Was that sometime at the start of the

20 pandemic in early 2020?

21 A. It would have been, yeah.

22 Q. Did you respond to Mike Roche's

23 statement about taking the elevator, not the

24 stairs?

25 A. I believe my answer back was, Don't

<p style="text-align: right;">Page 258</p> <p>1 Pasquarello</p> <p>2 let the old guy kid you.</p> <p>3 Q. Kid you, K-I-D?</p> <p>4 A. Yeah. Like I could take stairs, don't</p> <p>5 worry about it. Like that -- that was the --</p> <p>6 the give back.</p> <p>7 Q. Did you think Mike was joking?</p> <p>8 A. As time went on I realized he wasn't</p> <p>9 joking.</p> <p>10 Q. At the time he made the statement did</p> <p>11 you think he was joking?</p> <p>12 A. At the time he made the statement, I</p> <p>13 was naive to his -- who Mike really was. So,</p> <p>14 no, I didn't -- I just took it as a stupid</p> <p>15 comment from an immature person.</p> <p>16 Q. Did you ever complain to HR about that</p> <p>17 statement?</p> <p>18 A. That specific statement, no.</p> <p>19 Q. Did you complain to anybody about that</p> <p>20 statement?</p> <p>21 A. I complained to HR about the -- the</p> <p>22 different treatment.</p> <p>23 Q. We'll get to your HR complaint in a</p> <p>24 second. I'm curious if you ever complained to</p> <p>25 HR or anybody else about the statement that you</p>	<p style="text-align: right;">Page 259</p> <p>1 Pasquarello</p> <p>2 just testified about?</p> <p>3 A. No. Nobody ever asked me about</p> <p>4 disparaging statements. You're the first one</p> <p>5 that ever asked me that question. That incident</p> <p>6 popped to my head.</p> <p>7 Q. I understand that nobody ever asked</p> <p>8 you about it. Did you ever tell anybody about</p> <p>9 it?</p> <p>10 A. No. No. There was people who</p> <p>11 witnessed it, but, no, I didn't bring it to</p> <p>12 anybody else's attention.</p> <p>13 Q. When is the first time that you</p> <p>14 complained to HR about what you believed was</p> <p>15 discriminatory behavior by Mr. Roche?</p> <p>16 A. When Patty Lizarazo came to my office,</p> <p>17 I think in February, to tell me I was nominated</p> <p>18 for manager of the month.</p> <p>19 Q. Is that February of 2021?</p> <p>20 A. Yeah, I believe so.</p> <p>21 Q. Prior to February of 2021, had you</p> <p>22 made any complaints to Patty or anybody in HR</p> <p>23 about discriminatory conduct?</p> <p>24 A. Bob Shaffer was, like, my confidante</p> <p>25 at that time. So all along, yeah, Bob -- I</p>
<p style="text-align: right;">Page 260</p> <p>1 Pasquarello</p> <p>2 would complain to Bob, and that's the admission</p> <p>3 when Bob said, I stand up for you. I defend the</p> <p>4 department. Those -- those comment were based</p> <p>5 on our conversations and my complaints about the</p> <p>6 way Mike acted and treated the fire safety and</p> <p>7 myself differently.</p> <p>8 So Bob Shaffer was aware well before I</p> <p>9 made that complaint to Patty Lizarazo.</p> <p>10 MR. CLARK: Jeff, can you go back to</p> <p>11 my question and just read it back to me. I</p> <p>12 forgot what I had asked.</p> <p>13 THE COURT REPORTER: Sure.</p> <p>14 (The record was read back.)</p> <p>15 Q. Okay. Let me go back to that</p> <p>16 question, Mr. Pasquarello. Because I know you</p> <p>17 told me about Bob, but I want to focus on HR for</p> <p>18 a moment. Prior to February 2021 did you</p> <p>19 complain to anybody in HR about discriminatory</p> <p>20 conduct?</p> <p>21 A. I don't believe so, no.</p> <p>22 Q. Okay. You told me in your answer to</p> <p>23 the previous question that you complained to Bob</p> <p>24 Shaffer. When is the first time you complained</p> <p>25 to Bob Shaffer about discriminatory conduct?</p>	<p style="text-align: right;">Page 261</p> <p>1 Pasquarello</p> <p>2 A. I don't know exact so I would say</p> <p>3 mid-2020 would be fair.</p> <p>4 Q. Are there any documents, either notes</p> <p>5 or emails or text messages, that show that you</p> <p>6 complained to Mr. Shaffer in mid-2020 about</p> <p>7 discriminatory conduct?</p> <p>8 A. No, these are conversations that I had</p> <p>9 with Bob.</p> <p>10 Q. Were they in person or by the -- or by</p> <p>11 phone?</p> <p>12 A. By the phone. A lot of times I would</p> <p>13 call Bob on -- on the phone on the way home.</p> <p>14 Q. What specifically did you tell Bob in</p> <p>15 2020 about the discrimination you thought you</p> <p>16 were suffering from?</p> <p>17 A. Well, it was more in the terms of the</p> <p>18 dismissal of things. That, you know, Bob, I --</p> <p>19 this guy is just not listening to experience.</p> <p>20 He's not listening to my -- you know, my years</p> <p>21 of experience, and things like that, and he's</p> <p>22 not understanding what the role of fire safety</p> <p>23 is versus the role of facilities and</p> <p>24 engineering. So we would discuss that.</p> <p>25 And Bob was in agreement with me on</p>

<p style="text-align: right;">Page 262</p> <p>1 Pasquarello</p> <p>2 every point. I would talk to him about, you</p> <p>3 know, this clique is out of control. He goes,</p> <p>4 Listen, everybody knows about the clique. Just</p> <p>5 stay away from them. Let them do what they are</p> <p>6 going to do. All right. So it's not like it</p> <p>7 was a secret that they had this -- you know, 20,</p> <p>8 30 somethings that were just doing their own</p> <p>9 thing. I don't know how else to put it. I'm</p> <p>10 kind of at a loss for words on what this is.</p> <p>11 Q. Did you say anything else to Bob</p> <p>12 Shaffer in 2020, or at any point before February</p> <p>13 2021, about age discrimination that you thought</p> <p>14 you were suffering?</p> <p>15 A. When he called me up for the -- the</p> <p>16 doors, I told him this is -- so -- and I made it</p> <p>17 clear that I felt at that point, this is what --</p> <p>18 Mike is trying to force me out based on my age.</p> <p>19 And he said, Don't you worry about it. That's</p> <p>20 not going to happen. You're not going nowhere.</p> <p>21 That was the conversation that I had with Bob.</p> <p>22 That probably would have been around February</p> <p>23 '21, or -- or give or take, whenever that door</p> <p>24 issue came to his attention.</p> <p>25 Q. The door issue you're referring to, is</p>	<p style="text-align: right;">Page 263</p> <p>1 Pasquarello</p> <p>2 that the door issue that we looked at in --</p> <p>3 A. With just the doors, yeah, I had that</p> <p>4 conversation with Bob, I -- maybe it wasn't</p> <p>5 February. Maybe it was after that. Maybe it</p> <p>6 was June. I know it's -- one of these exhibits</p> <p>7 mentions when I had that conversation.</p> <p>8 Q. Exhibit 4 was the email entitled</p> <p>9 Delayed Door Closer. Is that --</p> <p>10 A. No.</p> <p>11 Q. -- the door issue you're referring to?</p> <p>12 A. No, I'm talking about the work orders</p> <p>13 for the door. Bob called me up, and that's what</p> <p>14 prompted everything. That -- that's the first</p> <p>15 letter that I wrote. I don't remember the exact</p> <p>16 date I had that conversation with him, but</p> <p>17 that's when I said, This is how he's starting</p> <p>18 his -- his documentation now.</p> <p>19 I don't -- might not have -- might not</p> <p>20 have presented that exhibit. You're saying you</p> <p>21 didn't have it. But I know Leah said that we</p> <p>22 got it from you, the numbered copy. So, you</p> <p>23 know, maybe we'll get that exact date in another</p> <p>24 point.</p> <p>25 Q. I will show it to you in a moment.</p>
<p style="text-align: right;">Page 264</p> <p>1 Pasquarello</p> <p>2 Let's go back there. We'll get back there in a</p> <p>3 second.</p> <p>4 MR. CLARK: You know what? Let's --</p> <p>5 let's go off the record for ten minutes so</p> <p>6 I can grab this document electronically,</p> <p>7 put it up, and we'll identify that date on</p> <p>8 the record.</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 4:00 p.m. We're going off the record.</p> <p>11 (Recess from 4:00 to 4:11.)</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 4:11 p.m. We are back on the record.</p> <p>14 MR. CLARK: Jeff, can you read me back</p> <p>15 the last question and answer so I know</p> <p>16 where we left off.</p> <p>17 THE COURT REPORTER: Sure.</p> <p>18 (The record was read back.)</p> <p>19 MR. CLARK: Let's mark as Exhibit 13 a</p> <p>20 four-page document dated May 26, 2021,</p> <p>21 bearing Bates number CH 928 through CH 931.</p> <p>22 Let me put it on the screen. And if I'm</p> <p>23 adept enough, I'm going to put it in the</p> <p>24 chat, because I didn't send it to Zack.</p> <p>25 Actually, let's hold off on doing</p>	<p style="text-align: right;">Page 265</p> <p>1 Pasquarello</p> <p>2 that.</p> <p>3 (Four-page document dated May 26,</p> <p>4 2021, bearing Bates stamp CH 928 through CH</p> <p>5 931 was marked Exhibit 13 for</p> <p>6 identification, as of this date.)</p> <p>7 Q. So, Mr. Pasquarello, hopefully you can</p> <p>8 see my screen. You're seeing at least the top</p> <p>9 portion of what we are marking as Exhibit 13,</p> <p>10 which is, again, a four-page document. I'm</p> <p>11 happy to scroll through the document if you want</p> <p>12 to read the whole thing, but I really just want</p> <p>13 to ask about the first sentence there that</p> <p>14 begins, On May 7. But let me know if you want</p> <p>15 to read the whole document before I ask you</p> <p>16 about that one sentence.</p> <p>17 A. No, I -- if we go beyond that, like</p> <p>18 you said, I will download it and read it. But</p> <p>19 that -- that's my original letter to Pat, yes.</p> <p>20 I believe -- I don't know if it's the original</p> <p>21 one but I think it is.</p> <p>22 Q. Okay. And --</p> <p>23 A. Well -- yeah, follow-up to -- okay.</p> <p>24 Yes.</p> <p>25 Q. All right. So earlier you were</p>

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2 talking about a conversation you had with Bob

3 Shaffer during which you complained about

4 discrimination, and I think you said that

5 conversation related to the door inspection; am

6 I right so far?

7 A. Yes.

8 Q. Okay. So the top of this Exhibit 13

9 says, underneath the subject line: On May 7,

10 2021, I received a call from Bob Shaffer

11 regarding the way the 2021 annual fire door

12 inspection was conducted, namely how work orders

13 were utilized.

14 Let me stop there. Is this a document

15 you wrote?

16 A. Yes.

17 Q. Does the first sentence there that you

18 wrote suggest to you that the discussion you had

19 with Mr. Shaffer about age discrimination was on

20 May 7, 2021?

21 A. No. I recall -- looking at this, I'm

22 recalling a little bit better. So we had that

23 conversation, Bob and I, on the 7th. On the

24 10th I had another conversation with Mike. It

25 would have been shortly after the 10th that I

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2 anything in front of me.

3 Q. Do you recall if the Joint Commission

4 audit was sometime in the summer of 2021?

5 A. It was. It was -- I just don't

6 remember if it was June, July. I -- I don't

7 recall. Maybe -- I don't recall the date. I'm

8 sorry.

9 Q. That's fine.

10 So other than Mr. Shaffer,

11 Ms. Lizarazo, and Mr. Hariegal, did you complain

12 to anybody else about age discrimination?

13 A. No. I'm assuming Lizarazo is HR, so

14 it would have went to other people, but those

15 were the -- my contacts, if you will. My chain

16 of command is what I thought I was at.

17 Q. Did you speak with anybody else in HR,

18 other than Ms. Lizarazo?

19 A. Not -- no, I don't recall speaking to

20 anybody else.

21 Q. Do you allege in this lawsuit that you

22 were paid less than other directors and

23 assistant directors because of your age?

24 A. Yes.

25 Q. What directors or assistant directors

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2 had this conversation with Bob regarding how I

3 believed Mike was starting to put together a way

4 to get rid of me based on my age.

5 So it was in -- it was, like, around

6 that time but I would say it was after the 10th.

7 I don't know the exact date.

8 Q. After the 10th of May 2021?

9 A. Yes. After I had that conversation

10 with Mike.

11 Q. Okay. Other than Mr. Shaffer and

12 Ms. Lizarazo, did you complain to anybody else

13 at Crothall or at Mount Sinai about the age

14 discrimination that you believed you were

15 suffering?

16 A. One more time with Chris Hariegal, the

17 day he was -- the day the Joint Commission

18 ended. Again, I don't remember the exact date,

19 but I asked him to come to my office, and we had

20 a brief conversation and I voiced my concern to

21 him in that conversation.

22 Q. Do you recall around when that was?

23 Understanding you don't recall the exact date.

24 A. That's also in one of those letters,

25 so the exact date is there. I just don't have

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2 do you believe -- strike that.

3 Which assistant directors and

4 directors do you believe earned more than you?

5 A. Bobby Denver, Doug Rome, I believe

6 made more money than me. I believe when Matt

7 was in my position, he -- he -- it was earlier

8 than I was in that position, so the cost of

9 living increases he was making more money than

10 me.

11 Q. Are there any other directors or

12 assistant directors who you believe earned more

13 money than you?

14 A. I -- I don't know.

15 Q. Do you have any understanding of how

16 Crothall calculates starting salary?

17 Let me ask that better. Do you have

18 any understanding of what factors go into salary

19 determinations at Crothall?

20 A. I believe -- I believe in the ad it

21 would say -- what's the word -- just got

22 tongue-tied, it's a long day -- commensurate,

23 whatever, to experience. So there's a range,

24 and -- and if -- your experience put you at the

25 higher end or the lower end of the range is what

<p style="text-align: right;">Page 270</p> <p>1 Pasquarello</p> <p>2 my understanding would have been.</p> <p>3 Q. Do you know whether Crothall takes</p> <p>4 into account tenure with the company when</p> <p>5 determining how much to pay people?</p> <p>6 A. I -- I don't know that. You know, I</p> <p>7 don't know their inner workings. I do know that</p> <p>8 I have more experience than my younger</p> <p>9 counterparts, and I was making less money than</p> <p>10 they were.</p> <p>11 Q. Did Mr. Denver or Mr. Rome perform any</p> <p>12 fire safety functions?</p> <p>13 A. No. I -- you know what? Let me back</p> <p>14 up. Not that it's a fire safety function. Doug</p> <p>15 Rome, part of his duties had the elevator</p> <p>16 mechanics report to him, and one of the elevator</p> <p>17 tasks was a monthly test of the -- the intercom</p> <p>18 system and whatnot. That -- that's tied to the</p> <p>19 fire system.</p> <p>20 So, yes, Doug in -- you know,</p> <p>21 indirectly, his monthly elevator checks, one</p> <p>22 portion of that check came back to me. So he</p> <p>23 would give me a report every month on, you</p> <p>24 know -- a portion of his report would come back</p> <p>25 to me each month.</p>	<p style="text-align: right;">Page 271</p> <p>1 Pasquarello</p> <p>2 Q. Have you ever seen or reviewed</p> <p>3 Mr. Denver's or Mr. Rome's resume?</p> <p>4 A. No.</p> <p>5 Q. Are you connected on LinkedIn with</p> <p>6 either Mr. Denver or Mr. Rome?</p> <p>7 A. I think -- yeah, I think I'm connected</p> <p>8 with Bob Denver.</p> <p>9 Q. Do you assert in this lawsuit that you</p> <p>10 were subjected to retaliation for complaining of</p> <p>11 discrimination?</p> <p>12 A. Yes.</p> <p>13 Q. Who do you believe retaliated against</p> <p>14 you?</p> <p>15 A. Michael Roche.</p> <p>16 Q. What specific actions do you believe</p> <p>17 Michael Roche took to retaliate against you?</p> <p>18 A. My write-ups. Write-ups came right</p> <p>19 after I made complaints. Literally days after a</p> <p>20 complaint he wrote me up each time.</p> <p>21 Q. Were there any other actions that</p> <p>22 Mr. Roche took that you believe were retaliatory</p> <p>23 in nature?</p> <p>24 A. Sorry. I believe the -- the main</p> <p>25 retaliatory act were the write-ups. The -- the</p>
<p style="text-align: right;">Page 272</p> <p>1 Pasquarello</p> <p>2 different deadlines that he set for me over</p> <p>3 other departments were retaliatory in nature,</p> <p>4 yes.</p> <p>5 Q. Anything else that you think was</p> <p>6 retaliatory in nature other than the write-ups</p> <p>7 and the different deadlines?</p> <p>8 A. This was something that was ongoing so</p> <p>9 I would put it more with the deadlines.</p> <p>10 Whenever I would ask for vacation, I was the</p> <p>11 only one who had to get my own coverage. I</p> <p>12 would have to get my subordinate to sign off</p> <p>13 each time I asked for some time off, so my</p> <p>14 earned time off was contingent on my subordinate</p> <p>15 covering and not my manager providing coverage.</p> <p>16 So I thought that was a -- another example of</p> <p>17 being held to a different standard.</p> <p>18 Was it necessarily retaliatory to my</p> <p>19 complaints, that -- that was something I</p> <p>20 probably should have added to the complaint --</p> <p>21 well, I believe I did add it to the complaint.</p> <p>22 I'm sorry. It is in there. It's a long day at</p> <p>23 this point, I'm trying to keep dates and stuff</p> <p>24 straight in my head. But, yes, that's all I'm</p> <p>25 recalling at this moment.</p>	<p style="text-align: right;">Page 273</p> <p>1 Pasquarello</p> <p>2 Q. Okay. So the write-ups, the different</p> <p>3 deadlines, the vacation issue, anything else</p> <p>4 that you think was retaliatory in nature that</p> <p>5 Mr. Roche did?</p> <p>6 A. The accusation that I was parking in</p> <p>7 a -- in a private spot for more money. I had</p> <p>8 parking as part of my sign-on agreement, if you</p> <p>9 will, offer letter. He tried to -- he implied</p> <p>10 that he would take that away a couple of times,</p> <p>11 I believe that was a little retaliatory in</p> <p>12 nature.</p> <p>13 Q. Anything else?</p> <p>14 A. No, that's all. I can't think of</p> <p>15 anything right now.</p> <p>16 MR. CLARK: Let's mark Exhibit 14.</p> <p>17 It's not Bates stamped because it's the</p> <p>18 complaint. So, Zack, I've renumbered my</p> <p>19 version so mine says 14. I think the</p> <p>20 version you have probably still says 13.</p> <p>21 If you could renumber it and then pop it in</p> <p>22 the chat. I'll throw it up on the screen.</p> <p>23 Mr. Pasquarello, you may know, it's a</p> <p>24 32-page document so putting it on the</p> <p>25 screen is not going to be all that helpful.</p>

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2 But I'm happy to scroll through it if you

3 want, have you download it. I'm going to

4 be asking you specific questions about

5 individual paragraphs. So however you want

6 to review it is fine with me. Just let me

7 know when you are ready to -- to go. My

8 first question will be, have you seen this

9 before?

10 (Complaint was marked Exhibit 14 for

11 identification, as of this date.)

12 A. That one I can answer with no problem.

13 So, yes, I've seen it. I would say because it

14 is such a long document, why don't we go to the

15 areas you want to discuss. And if I need to

16 review something, I -- you know, I'm not shy,

17 I'll speak up. And we'll do that.

18 Q. Good. Okay. And that will give Zack

19 time to rename it because I just threw that on

20 him on the record.

21 When was the first time you saw a copy

22 of this complaint?

23 A. I don't remember the date.

24 Q. If you look at the very top line, that

25 blue, it says, Filed October 25, 2021. Do you

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2 A. Just names of the older individuals or

3 the younger individuals in the -- in the

4 department. I believe John Barton and Ron

5 Codier might have been inadvertently added as

6 with the younger names, and maybe Wayne Thomas,

7 there might have been three names that shouldn't

8 have been added. Those are guys from the plant,

9 not the day-to-day operations with the rest of

10 the team.

11 Q. We talked about John Barton earlier.

12 The second name you gave me was Ron --

13 tell me the last name again?

14 A. Ron Codier. He reports to John

15 Barton. He is the chief of the plant.

16 Q. And approximately how old is he?

17 A. Again, around 50s, give or take.

18 Q. And then you mentioned Wayne Thomas.

19 What was his position?

20 A. Wayne Thomas is also a plant

21 individual, and he works one building. He just

22 works the Hess building. So the plant guys are

23 really John Barton's guys. On paper I don't

24 know who they report to, but in reality they're

25 John Barton's people and they run the plant. So

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2 think you reviewed a copy of the complaint in

3 some form before October 25, 2021?

4 A. I would assume yes. I don't think

5 Leah would have filed it without talking to me

6 or showing it to me, so, yes, I'm sure I did.

7 Q. At the time you first reviewed it, was

8 everything in the complaint accurate?

9 A. I don't recall if I made notes on the

10 first draft. There -- yeah, I believe we went

11 back and forth with some notes. I'm not saying

12 I might not have missed something, but it --

13 it's -- it was reviewed and -- for accuracy.

14 But I do know there's a possibility I probably

15 missed something, but --

16 Q. Well, let me ask it this way. As of

17 the date it was filed, which is October 25,

18 2021, you think everything in it was accurate?

19 A. No, I believe that -- I don't know if

20 it's this document or another document that I

21 had seen with the interrogatories that has one

22 discrepancy in it. Other than that, I believe

23 everything is accurate.

24 Q. As you sit here today, can you recall

25 what the discrepancy was?

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2 if you think of it as a ship, if you will,

3 they're the engine room, and the rest of us that

4 we have been talking about all this time is the

5 rest of the crew.

6 Q. Approximately how old is Mr. Thomas?

7 A. Wayne -- I believe Wayne is getting

8 ready for retirement, so I would say he's

9 probably in his 60s, if not older.

10 Q. Okay.

11 A. I think Wayne is the oldest -- oldest

12 member of -- that we're discussing, or that came

13 up in this.

14 Q. As of the time you separated from your

15 employment in September '21 was Wayne Thomas

16 still employed by Crothall?

17 A. I believe so. Wayne, like I said,

18 just works the -- the Hess building. I don't

19 know if he -- he did not come to morning

20 meetings or anything so you never really seen

21 him. So I don't know if when I left, he was

22 still there. I didn't hear otherwise but I

23 can't answer that with firsthand knowledge.

24 Q. All right. So let's turn back to the

25 complaint, which we have marked as Exhibit 14.

<p style="text-align: right;">Page 278</p> <p>1 Pasquarello</p> <p>2 I'm going to start at paragraph 18, which says:</p> <p>3 Defendant Roche also interviewed plaintiff but</p> <p>4 he was not the ultimate decision maker in</p> <p>5 granting plaintiff a job offer.</p> <p>6 You see that?</p> <p>7 A. Yes.</p> <p>8 Q. How do you know that Mr. Roche was not</p> <p>9 the ultimate decision maker in granting you a</p> <p>10 job offer?</p> <p>11 A. That I had to go above his level in</p> <p>12 interviews, and that the job offer was</p> <p>13 ultimately decided by Pat Lamb and then Bob</p> <p>14 Shaffer, with his endorsement. So Pat Lamb was</p> <p>15 the decision maker with Bob Shaffer's</p> <p>16 endorsement.</p> <p>17 Q. Did anybody ever tell you that</p> <p>18 Mr. Roche was not the ultimate decision maker?</p> <p>19 A. No. Nobody told me he was either, no.</p> <p>20 So I was off -- I was -- indicate -- the</p> <p>21 indication came from Pat and Bob that I got the</p> <p>22 job. Nothing ever came from Michael.</p> <p>23 Q. Who does Pat Lamb work for?</p> <p>24 A. Mount Sinai Hospital. She is the</p> <p>25 client, if you will.</p>	<p style="text-align: right;">Page 279</p> <p>1 Pasquarello</p> <p>2 Q. Let's look at paragraph 21. It says:</p> <p>3 The fire safety department is part of Crothall's</p> <p>4 facilities engineering division that provides</p> <p>5 facilities management services to Mount Sinai</p> <p>6 Hospital. The engineering division is managed</p> <p>7 by Defendant Roche. Plaintiff was one of only</p> <p>8 two employees over 50 that reports directly to</p> <p>9 Defendant Roche. All other employees managed by</p> <p>10 Defendant Roche are in their 20s and 30s.</p> <p>11 You see that?</p> <p>12 A. I do.</p> <p>13 Q. Who are the two individuals who are</p> <p>14 over 50 that report to -- directly to Defendant</p> <p>15 Roche?</p> <p>16 A. On paper I believe that it was Ron and</p> <p>17 Wayne, but in reality, I know Ron and Wayne go</p> <p>18 through the other senior director which was John</p> <p>19 Barton.</p> <p>20 Q. But the two that are referred to here</p> <p>21 you think are Ron and Wayne?</p> <p>22 A. Yes. Well, Ron Codier, not Ron</p> <p>23 Kanterman, yes.</p> <p>24 Q. Okay. And I should -- I should note</p> <p>25 there's a Footnote 1 here so let's look for</p>
<p style="text-align: right;">Page 280</p> <p>1 Pasquarello</p> <p>2 completion because it does reference Mr. Thomas.</p> <p>3 Footnote 1 to this paragraph says: Wayne</p> <p>4 Thomas, who is in his 70s, is an assistant</p> <p>5 director of engineering in a separate building</p> <p>6 and is preparing for retirement.</p> <p>7 A. Yeah. I probably didn't catch that.</p> <p>8 I would have probably said in his late 60s. But</p> <p>9 let's not let Wayne know we have him older than</p> <p>10 he is. I don't know. But, yeah, so Wayne and</p> <p>11 Ron Codier, who I was referencing when -- when</p> <p>12 Leah asked me that question.</p> <p>13 Q. Do you think it was important to</p> <p>14 distinguish Mr. Thomas as being in a separate</p> <p>15 building?</p> <p>16 A. I do, because on paper I believe Wayne</p> <p>17 is listed as one of Mike's direct reports, but</p> <p>18 you never see Wayne. Wayne is, like, almost</p> <p>19 autonomous. He runs the Hess building, and</p> <p>20 that -- that's what he does. And he has been</p> <p>21 there a very long time. I don't know if he</p> <p>22 predated the contract or not.</p> <p>23 Q. As a fire safety assistant director,</p> <p>24 you worked in multiple buildings at Mount Sinai,</p> <p>25 right?</p>	<p style="text-align: right;">Page 281</p> <p>1 Pasquarello</p> <p>2 A. I worked at, yes, all the buildings.</p> <p>3 Q. Do you think it was relevant to note</p> <p>4 in this footnote that Mr. Thomas was, quote,</p> <p>5 preparing for retirement?</p> <p>6 A. I -- I have no opinion on that. I</p> <p>7 don't know.</p> <p>8 Q. Do you have any idea why that's</p> <p>9 written here in this complaint?</p> <p>10 A. No.</p> <p>11 Q. You think people in their 70s should</p> <p>12 retire?</p> <p>13 A. I would hope people in their 70s can</p> <p>14 enjoy the rest of their life without having to</p> <p>15 work, but I would never make a claim like that.</p> <p>16 You work until you don't want to work no more.</p> <p>17 Q. Let's look at paragraph 24. It says:</p> <p>18 From the beginning of his employment with</p> <p>19 defendants, Plaintiff Pasquarello endured</p> <p>20 significantly harsher and more negative</p> <p>21 treatment from Defendant Roche compared to his</p> <p>22 younger colleagues.</p> <p>23 Let me stop there for a second. Who</p> <p>24 is being referred to here as "younger</p> <p>25 colleagues"?</p>

<p style="text-align: right;">Page 282</p> <p>1 Pasquarello</p> <p>2 A. Denver, Rome, Bond, Ecklof.</p> <p>3 Q. What was the fourth name? Denver,</p> <p>4 Rome, Bond, and who was the fourth?</p> <p>5 A. Joe Ecklof. He came up earlier. He</p> <p>6 is the plumbing manager.</p> <p>7 Q. Anybody else that falls within this</p> <p>8 category of younger colleagues as referred to in</p> <p>9 paragraph 24 of the complaint?</p> <p>10 A. Well, Ryan Nowicki but Ryan is above</p> <p>11 me so I wouldn't say a colleague. He's -- I</p> <p>12 didn't report to him but he -- he was a level</p> <p>13 above.</p> <p>14 Q. Okay. Anybody else in this definition</p> <p>15 of "younger colleagues" in paragraph 24?</p> <p>16 A. No. The rest of the younger people</p> <p>17 were below the level of directors and managers.</p> <p>18 They were -- or they were managers but a lower</p> <p>19 level. So I would stay with the ones I</p> <p>20 mentioned.</p> <p>21 Q. Okay. Let's go to 25: When plaintiff</p> <p>22 joined Crothall in October of 2019 -- excuse</p> <p>23 me -- Defendant Roche was supposed to do</p> <p>24 schedule plaintiff for the standard Crothall</p> <p>25 training. Upon information and belief,</p>	<p style="text-align: right;">Page 283</p> <p>1 Pasquarello</p> <p>2 plaintiff's younger colleagues are routinely</p> <p>3 scheduled for that training promptly after their</p> <p>4 hire date.</p> <p>5 Let me stop there. Are the "younger</p> <p>6 colleagues" that are being referred to here in</p> <p>7 paragraph 25, are those the same younger</p> <p>8 counterparts that are referred to in paragraph</p> <p>9 24?</p> <p>10 A. Yes.</p> <p>11 Q. How do you know that those folks are</p> <p>12 scheduled for their training promptly after</p> <p>13 their hire date?</p> <p>14 A. The -- they all mentioned that they</p> <p>15 went right after they were hired. They went</p> <p>16 to -- they went away for -- I don't remember if</p> <p>17 it was a full week or several days, to a</p> <p>18 facility and was basically immersed in</p> <p>19 Crothall's methods. They all received that when</p> <p>20 they came aboard.</p> <p>21 Q. Where was that facility that they went</p> <p>22 to for the training?</p> <p>23 A. I -- I don't remember. I think there</p> <p>24 was more than one place they could have sent</p> <p>25 you, but I -- I don't remember where they are.</p>
<p style="text-align: right;">Page 284</p> <p>1 Pasquarello</p> <p>2 Q. Do you know if it was in Charlotte,</p> <p>3 North Carolina?</p> <p>4 A. I -- I honestly don't remember. I</p> <p>5 mean, everything is honest, but I don't</p> <p>6 remember. I remember them talking about it.</p> <p>7 They said how fun a time it was, you know.</p> <p>8 Because it's work in the day and then hanging</p> <p>9 out at night. So even that seemed like it was a</p> <p>10 young oriented experience, but I -- so they</p> <p>11 discussed the time that they went, and that was</p> <p>12 when they were hired.</p> <p>13 Q. How long after their hire, if you</p> <p>14 know, did they go to that training?</p> <p>15 A. They indicated it was initial</p> <p>16 training. It was when they first came aboard.</p> <p>17 You know, Oh, you're going to -- you know, it</p> <p>18 was like one of those, Oh, you're going to go.</p> <p>19 It's great. You get away for a while. You</p> <p>20 know, okay. But I never went. They never gave</p> <p>21 it to me.</p> <p>22 Q. Did any of the fire safety directors</p> <p>23 or assistant directors go to that training?</p> <p>24 A. Anyone before me, I don't know. I</p> <p>25 don't know. And, you know, I'm not even</p>	<p style="text-align: right;">Page 285</p> <p>1 Pasquarello</p> <p>2 familiar if it's only assistant directors and</p> <p>3 above or managers and above, but I know it was</p> <p>4 at least assistant directors. And I didn't go.</p> <p>5 I believe Matt went when he -- but he started as</p> <p>6 a manager in training, so he was with the</p> <p>7 company longer when he went, but he --</p> <p>8 nevertheless he went. Is my understanding he</p> <p>9 went.</p> <p>10 Q. Jump to paragraph 28: Defendant Roche</p> <p>11 told plaintiff to draft a proposal to justify</p> <p>12 the fire marshal's monitor. To date, Defendant</p> <p>13 Roche has not approved this essential piece of</p> <p>14 equipment.</p> <p>15 Is that an accurate statement?</p> <p>16 A. Yes.</p> <p>17 Q. Did -- did you provide a proposal to</p> <p>18 justify the fire marshal's monitor?</p> <p>19 A. Yes. I provided several -- it started</p> <p>20 off informally as emails back and forth, and him</p> <p>21 asking me, What's the cost of this? What would</p> <p>22 you do with that? So -- and then it became a</p> <p>23 more formal draft. And then when Ron came</p> <p>24 aboard, he had experience in doing proposals</p> <p>25 like that, and I had asked him to put together a</p>

<p style="text-align: right;">Page 286</p> <p>1 Pasquarello</p> <p>2 proposal.</p> <p>3 So there were several from me, and</p> <p>4 then I handed that off to Ron because it was</p> <p>5 more his day-to-day operations that was going to</p> <p>6 take over the need for that board, and he also</p> <p>7 provided several drafts to a written proposal.</p> <p>8 Q. It says here: To date, Defendant</p> <p>9 Roche has not approved this essential piece of</p> <p>10 equipment.</p> <p>11 As of the date of this complaint, did</p> <p>12 he deny the essential piece of equipment?</p> <p>13 A. We were ask -- I was asking for it for</p> <p>14 over a year, and it never came. So, in essence,</p> <p>15 it was not approved. Is there a written denial?</p> <p>16 No.</p> <p>17 Q. Is there any verbal denial?</p> <p>18 Let me rephrase that. Did he ever</p> <p>19 tell you, Mr. Roche -- let me rephrase that,</p> <p>20 too.</p> <p>21 Did Mr. Roche ever tell you that he</p> <p>22 was denying your request for a monitor?</p> <p>23 A. He would make statements like, he</p> <p>24 doesn't see the need for it and how would it</p> <p>25 improve. And then I would explain to him how it</p>	<p style="text-align: right;">Page 287</p> <p>1 Pasquarello</p> <p>2 would improve and what the need was, and then he</p> <p>3 wouldn't say anything again. So there was never</p> <p>4 follow-up after we answered -- or I answered his</p> <p>5 questions.</p> <p>6 Q. Yeah, I don't think you answered my</p> <p>7 question. Did Mr. Roche ever tell you that he</p> <p>8 was denying your request for a monitor?</p> <p>9 A. No. He just never provided it, or</p> <p>10 approved it. He didn't formally deny it but he</p> <p>11 never approved.</p> <p>12 Q. Let's look at paragraph 29. It says:</p> <p>13 Plaintiff also requested a large monitor in or</p> <p>14 around May of 2020 during a time of civil unrest</p> <p>15 in this country in order to monitor local events</p> <p>16 and protect the safety of the hospital</p> <p>17 buildings. Defendant Roche denied this request.</p> <p>18 Let me stop there. Why did you need a</p> <p>19 large monitor to monitor civil unrest in the</p> <p>20 country?</p> <p>21 A. I wouldn't call it a large monitor.</p> <p>22 That's basically I was asking for a -- a TV in</p> <p>23 the office that we could have, also, hooked up</p> <p>24 to my computer. So when I had meetings with</p> <p>25 vendors and stuff, I could use it as a large</p>
<p style="text-align: right;">Page 288</p> <p>1 Pasquarello</p> <p>2 monitor to the computer to bring, you know --</p> <p>3 make it easier to -- to go over proposals and --</p> <p>4 and inventories, and things like that. So that</p> <p>5 was the one need I had for it.</p> <p>6 And then the other need was to monitor</p> <p>7 the news and what was going on. I mean, as you</p> <p>8 remember, there was a lot of going on. There</p> <p>9 was a protest in and around the hospital, and it</p> <p>10 would have been good to pick up the 24/7 news</p> <p>11 cycles that were going on, so that's why I asked</p> <p>12 for that.</p> <p>13 Q. The --</p> <p>14 A. So it was to the monitor the -- the</p> <p>15 events that were happening outside, and then to</p> <p>16 use -- to better present -- to make our meetings</p> <p>17 with vendors easier to -- to view shared</p> <p>18 documents instead of getting up and coming</p> <p>19 around my desk and looking at my screen, or me</p> <p>20 trying to turn the screen enough for them to see</p> <p>21 it. That was my reasoning I asked for that</p> <p>22 television and monitor combination.</p> <p>23 Q. Does Mount Sinai Hospital have a</p> <p>24 security staff?</p> <p>25 A. They do.</p>	<p style="text-align: right;">Page 289</p> <p>1 Pasquarello</p> <p>2 Q. Were you a member of that security</p> <p>3 staff?</p> <p>4 A. I was a member of the emergency team</p> <p>5 in the hospital. So, in essence, yes, I was a</p> <p>6 part of the -- the hospital's overall -- overall</p> <p>7 safety team, which would have been public</p> <p>8 safety, fire safety, and emergency management.</p> <p>9 So my answer was, yes, I am part of that team.</p> <p>10 Q. Is there any reason you couldn't</p> <p>11 monitor civil unrest in the country from your</p> <p>12 phone or your computer?</p> <p>13 A. Yeah, I believe trying to do it from</p> <p>14 the computer would have meant I had to have the</p> <p>15 computer on a streaming network, and how was I</p> <p>16 going to do my work if my computer was streaming</p> <p>17 events? So I didn't think the computer would</p> <p>18 work.</p> <p>19 I did install on my phone citizens</p> <p>20 app, the broadcastify app, so I did download</p> <p>21 several apps that would have allowed me to get</p> <p>22 notifications from -- from different resources</p> <p>23 outside of the -- outside of the hospital.</p> <p>24 Q. Did you get notifications on your</p> <p>25 phone from any of the 24-hour news sources, CNN,</p>

<p style="text-align: right;">Page 290</p> <p>1 Pasquarello</p> <p>2 Fox, MSNBC, New York Times, any of those?</p> <p>3 A. Just the Apple News cycle, you know,</p> <p>4 that -- that's already pre-installed in the</p> <p>5 phone, I got it from there.</p> <p>6 But this -- this comes back to the</p> <p>7 different treatment. I'm asking for that</p> <p>8 television with specific departmental and</p> <p>9 operational needs, and it's denied. Every other</p> <p>10 assistant director or manager that we've been</p> <p>11 talking about so far today all have television</p> <p>12 sets in their office, and none of them had an</p> <p>13 operational need for them. They were just for</p> <p>14 pleasure, and there was never a problem with</p> <p>15 that. So, again, that illustrated the different</p> <p>16 standards for me and others.</p> <p>17 Q. Did Mr. Roche ever tell you how those</p> <p>18 other departments got their televisions?</p> <p>19 A. No, he didn't tell me anything. He</p> <p>20 approved it. And then when I asked what was</p> <p>21 going on, like months later, he said, Denine --</p> <p>22 Jeannie turned it down, denied it. I said, What</p> <p>23 do you mean, Jeannie denied it? You're --</p> <p>24 you're the assistant director. He shrugged his</p> <p>25 shoulders and said, She's tough.</p>	<p style="text-align: right;">Page 291</p> <p>1 Pasquarello</p> <p>2 There were several meetings afterwards</p> <p>3 where he's like, Oh, if you get this done, maybe</p> <p>4 I'll get you your TV. I was, like, Mike, I</p> <p>5 don't have a need for a TV. It's not like I'm</p> <p>6 sitting down watching a ball game. I needed it</p> <p>7 during a specific time for a specific task. I</p> <p>8 still need the computer monitor, though. And</p> <p>9 those were how conversations were met.</p> <p>10 So I do know that the television was</p> <p>11 already in the office. We were able to secure</p> <p>12 TVs from other parts of the hospital that were</p> <p>13 recycling them, you know, old ones coming out of</p> <p>14 a patient room, et cetera. So the TVs were</p> <p>15 already there. What needed to be installed and</p> <p>16 which was installed in all the other offices is</p> <p>17 the cable to run the television. That's what we</p> <p>18 needed done, not the TVs. The TVs or monitors</p> <p>19 were provided. They were free. I needed the</p> <p>20 cable to come to my office.</p> <p>21 And I know all the other offices --</p> <p>22 because I was there when they installed the</p> <p>23 cable in Jeannie's office. I was there when</p> <p>24 they installed the cable in Bobby Denver's new</p> <p>25 office. And I was there when they installed the</p>
<p style="text-align: right;">Page 292</p> <p>1 Pasquarello</p> <p>2 cable in Doug Rome's new office. So after my</p> <p>3 request, three brand-new cable lines were run in</p> <p>4 different manager's offices for television sets</p> <p>5 that were for pleasure. That was after my</p> <p>6 request and proposal submittals. So I don't</p> <p>7 know how you justify that.</p> <p>8 Q. The Jeannie you referred to in your</p> <p>9 answer as having denied the request, is that</p> <p>10 Jeannie Lai?</p> <p>11 A. Uh-huh. Yes.</p> <p>12 Q. Is that a yes?</p> <p>13 A. I was drinking. Yeah, I was drinking.</p> <p>14 It's a yes.</p> <p>15 Q. And Ms. Lai was in charge of finances</p> <p>16 for the department; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Do you think Ms. Lai denied you a TV</p> <p>19 because of your age?</p> <p>20 A. I don't think it was Ms. Lai. I think</p> <p>21 Mike just blamed it on her. Why would she have</p> <p>22 a say in that? That was Mike's decision, not</p> <p>23 hers. But then later on I came to find out, it</p> <p>24 wasn't Mike's decision. I had a discretionary</p> <p>25 budget according to Chris Hariegal after I spoke</p>	<p style="text-align: right;">Page 293</p> <p>1 Pasquarello</p> <p>2 to him, and I could have ordered it on my own</p> <p>3 all along. Information that was kept from me,</p> <p>4 again, different treatment than the other</p> <p>5 managers who had access to their discretionary</p> <p>6 budgets. So the -- you know, all this does is</p> <p>7 show the -- the blatant different treatment I</p> <p>8 received than my younger counterparts.</p> <p>9 Q. You think Mr. Roche was lying to you</p> <p>10 when he told you that Jeannie Lai denied your</p> <p>11 request for a TV?</p> <p>12 A. Yeah, I do. And if not, it was his</p> <p>13 place to override her decision. So it wasn't</p> <p>14 Jeannie's decision to make, so why would he say</p> <p>15 it was her decision?</p> <p>16 Q. Let's take a look at paragraph 33,</p> <p>17 which says, When -- I keep getting a -- a</p> <p>18 beeping. Just to confirm, Mr. Pasquarello, are</p> <p>19 you chatting with anybody on your computer?</p> <p>20 MS. SELIGER: No, Shaun, I'm so sorry.</p> <p>21 That is -- that is my computer, and I</p> <p>22 cannot figure out how to silence the</p> <p>23 notifications without silencing us. If</p> <p>24 anyone has instructions, I will gladly take</p> <p>25 them.</p>

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2 MR. CLARK: I wish I did. So long as

3 I know that it's you and that

4 Mr. Pasquarello is not talking to somebody

5 about his testimony, I'm fine. I can live

6 with the little beeps.

7 MS. SELIGER: I'm getting beeps every

8 time I get an email, and I really would

9 like to shut it down.

10 MR. CLARK: Okay.

11 Q. Paragraph 33, says: When plaintiff

12 became assistant director of fire safety, he

13 supervised two managers, Mr. Bond, who had been

14 denoted to manager from assistant director of

15 fire safety for performance reasons, and Joe

16 Jerrain, a man in his 50s.

17 Let me stop there for a second. Who

18 demoted Mr. Bond?

19 A. That was before I got there. I don't

20 know.

21 Q. Let's go to paragraph 38. It says:

22 Defendant Roche approached the performance

23 deficiencies of Mr. Bond, plaintiff's younger

24 direct report, very differently than his handing

25 of Mr. Jerrain. Although Mr. Bond was also not

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2 performance improvement plan based off of the

3 way I was given the help to draft Mr. Jerrain's,

4 Michael wouldn't even review it, and he didn't

5 want to endorse it. He said, I had to own it.

6 And I told him, I am, like, Mike, this guy is

7 with you -- you go to two-, three-hour lunches

8 with him, which is one of the biggest reasons

9 he's falling short on his performance. He's

10 always out with you, extended lunches, leaving

11 early. I said, This is all under your

12 leadership. I says, I need you to endorse this,

13 or else how am I going to put him on it? And

14 just refused to endorse it.

15 Q. What do you mean when you say "he

16 refused to endorse it"?

17 A. He refused to endorse it. He told me,

18 If you're going to put him on it, you have to

19 own it. I says, How do I own it when half the

20 reason he's falling behind is because you're

21 taking him out to two-, three-hour lunch

22 periods? Or -- or you're sitting down in

23 Bobby's office, you know, watching the stock

24 market or the -- a sports event.

25 I says, He's falling behind because of

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1 Pasquarello

2 meeting performance expectations, Defendant

3 Roche refused to support putting Mr. Bond on a

4 performance improvement plan.

5 Let me stop there. Is that an

6 accurate statement?

7 A. Yes.

8 Q. What specifically did Mr. Roche say

9 that suggested to you he was not supportive of

10 putting Mr. Bond on a performance improvement

11 plan?

12 A. Well, like I said earlier, when it

13 came to putting Mr. Jerrain on a plan, Michael

14 had me sit with Omelfi Garcia to draft the first

15 draft. Then he had me sit with him to go over

16 the draft and make adjustments. They were his

17 adjustments. He had full input on that. And it

18 was encouraged that I did it.

19 When it came to Mr. Bond, who, quite

20 frankly, had a lot of the same deficiencies that

21 Mr. Jerrain had, I drafted the -- and mind you,

22 I did a lot of coaching and emails and whatnot

23 back and forth before I wanted to move to

24 written performance improvement plans.

25 But when I did draft Mr. Bond's

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2 your influence in letting him hang out with you

3 doing this. And I can't write him up for that

4 without putting you in it, so I need you to

5 either endorse this or go that route. And he's,

6 like, Do what you got to do. Yeah, he knew I

7 wasn't going to do it without his endorsement.

8 Q. I think you said earlier that

9 Mr. Roche declined to review the draft

10 performance plan? Did I hear you correctly?

11 A. He did. He didn't want to look at the

12 one I wrote for Mike -- for -- I emailed it to

13 him, so I think he had to see it. But when I

14 wanted to sit down with him and review it, he

15 didn't want to do it.

16 MR. CLARK: Let me pull down the

17 complaint for a moment, and, Zack, let's

18 put up the exhibit we marked as 16. We'll

19 keep it as 16, even though we're skipping

20 15.

21 (Two emails, with Bates stamp numbers

22 CH 1496 through CH 1502, were marked

23 Exhibit 17 for identification, as of this

24 date.)

25 MR. SHARPE: I had already changed to

<p style="text-align: right;">Page 298</p> <p>1 Pasquarello</p> <p>2 17, so I've got to renumber it --</p> <p>3 MR. CLARK: Oh, leave it at 17,</p> <p>4 because I already changed it to 17, too.</p> <p>5 MR. SHARPE: Okay.</p> <p>6 MR. CLARK: Sorry, guys. Bear with</p> <p>7 us. It's in the chat now. I'm going to</p> <p>8 put it up on my screen. This is a document</p> <p>9 we're going to mark as Exhibit 17 -- I</p> <p>10 realize we are skipping over a few numbers.</p> <p>11 It is a three-page document bearing Bates</p> <p>12 numbers -- well, they didn't make it on</p> <p>13 here. We will supplement the Bates</p> <p>14 numbers -- actually, Zack, do you have the</p> <p>15 Bates-numbered version?</p> <p>16 MR. SHARPE: Sorry, I was on mute.</p> <p>17 Yeah, the version I have has the Bates</p> <p>18 numbers.</p> <p>19 MR. CLARK: All right. Let me use</p> <p>20 that one. These are all problems we did</p> <p>21 not have when we didn't do remote</p> <p>22 depositions.</p> <p>23 Okay. Let's try this again. This is</p> <p>24 Exhibit 17. It is a seven-page document,</p> <p>25 because this one has the attachments, and</p>	<p style="text-align: right;">Page 299</p> <p>1 Pasquarello</p> <p>2 it bears Bates stamp number CH 1496 through</p> <p>3 CH 1502.</p> <p>4 Q. Mr. Pasquarello, do you recognize the</p> <p>5 two emails that appear on the first two pages of</p> <p>6 this Exhibit 17?</p> <p>7 A. I don't -- not -- I'm trying to look</p> <p>8 at it here. All right. I just brought it up.</p> <p>9 I think I can answer with -- if you</p> <p>10 want to go through this a little bit.</p> <p>11 Q. My only question right now is, do you</p> <p>12 recognize the two emails, the one from Mr. Roche</p> <p>13 to you at the top of the page sent on</p> <p>14 October 19, 2020 and the one that predates it</p> <p>15 from you to Mr. Roche, October 17, 2020?</p> <p>16 A. Yes.</p> <p>17 Q. All right. In his email to you --</p> <p>18 well, strike that.</p> <p>19 Let me start here. In your email to</p> <p>20 Mr. Roche on October 17, 2020, you attach a copy</p> <p>21 of a draft performance improvement plan for Matt</p> <p>22 Bond; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And then you suggest some draft</p> <p>25 language that you will send to Mr. Bond in a --</p>
<p style="text-align: right;">Page 300</p> <p>1 Pasquarello</p> <p>2 I guess a cover email; is that right?</p> <p>3 A. I don't know if it would have been a</p> <p>4 cover email or just the first step of -- of it,</p> <p>5 yes. It -- yeah. Yeah. Cover email I guess is</p> <p>6 more accurate.</p> <p>7 Q. And then at the end of that same email</p> <p>8 you say: Please see attached plan before I give</p> <p>9 it to Matt. If you have suggestions, comments,</p> <p>10 or questions, please let me know. Thank you.</p> <p>11 That comment is directed to Mr. Roche,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. So you were asking him to review the</p> <p>15 draft performance improvement plan that you had</p> <p>16 put together for Matt Bond?</p> <p>17 A. I did.</p> <p>18 Q. Okay. And then he responded to you on</p> <p>19 the 19th, right?</p> <p>20 A. Yes.</p> <p>21 Q. He says: The email looks fine. My</p> <p>22 only comment is on the development plan.</p> <p>23 Does that suggest to you that he read</p> <p>24 the development plan?</p> <p>25 A. Yes. I -- I'm talking about when I</p>	<p style="text-align: right;">Page 301</p> <p>1 Pasquarello</p> <p>2 came and spoke to him in person with it.</p> <p>3 Because if you continue reading: Do not use my</p> <p>4 name saying that I recommend it. It is not</p> <p>5 under my recommendation.</p> <p>6 Well, he's falling behind because he's</p> <p>7 out with you for two-, three-hour lunches</p> <p>8 sometimes, actually more times than should be</p> <p>9 acceptable, and you don't want to recommend it.</p> <p>10 You know, and you want me to take your name out</p> <p>11 of it as if I didn't even discuss it with you.</p> <p>12 So at that point I went in and spoke</p> <p>13 to him. I was like -- and then I said what I</p> <p>14 said to you. I am, like, Mike, you -- I can't</p> <p>15 give this to him without your endorsement when I</p> <p>16 believe you're part of the reason he's falling</p> <p>17 behind on some of his tasks. And he -- you</p> <p>18 know, at that meeting he's, like, You have to</p> <p>19 own it.</p> <p>20 I was, like, well, you know, what am I</p> <p>21 owning? I -- it seemed like the fix was in. So</p> <p>22 I -- that -- that's how I interpret everything</p> <p>23 we just read there in that first paragraph.</p> <p>24 Q. Did Mr. Roche ever tell you not to</p> <p>25 give Matt Bond the performance improvement plan?</p>

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2 A. He said right there: It is not under

3 my recommendation. So if my boss isn't

4 recommending me put somebody he's clearly biased

5 to in a good way on a plan, I didn't think it

6 was prudent to do at that point.

7 Q. Take a look at the last sentence

8 before the Thanks salutation, it says: Whether

9 or not you give this development plan to Matt

10 needs to be your decision as his manager and

11 presented as such.

12 Do you see that?

13 A. Yes.

14 Q. What did you understand that to mean

15 when you received this email?

16 A. I believe that to be Mike's CYA, cover

17 his ass.

18 Q. Were you --

19 A. I'm not going to recommend it but you

20 do what you think. If you're not recommending

21 it, what are you telling me? It's not under my

22 recommendation. I don't -- I'm not going to go

23 against your recommendation.

24 Q. At some point earlier in your

25 testimony you told me that eventually Matt Bond

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2 moved Matt out of the department.

3 And then, the -- so, yeah, he made a

4 position to shield Matt from any deficiencies

5 that were about to be discovered in fire safety

6 that were deficiencies in the -- in the area of

7 fire safety that Matt was responsible for.

8 Q. I think you answered my question in

9 that pretty long answer, but my question was

10 just who, so let me confirm. Is it true that

11 Mike Roche transferred Matt Bond from fire

12 safety manager to the new position?

13 MS. SELIGER: Objection.

14 A. Yeah, I wouldn't know if it was his

15 decision or somebody else's. I -- I don't know

16 that for a fact. I have no firsthand knowledge

17 on who moved the personnel around.

18 Q. Was it your decision?

19 A. It wasn't my decision, no.

20 Q. Flip back to the complaint, which I

21 think we've marked as Exhibit 14. I flipped

22 back on my screen. You could feel free to flip

23 back on the PDF if you have it open on your

24 computer.

25 Let's look at paragraph 43. It says:

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2 was transferred into another position which was

3 somewhat like a demotion. Do you remember that

4 testimony?

5 A. Yes.

6 Q. Who -- who transferred Matt into that

7 position that was somewhat like a demotion?

8 MS. SELIGER: Objection.

9 A. Well --

10 THE WITNESS: I'm sorry, Leah, you

11 said?

12 MS. SELIGER: I just said objection.

13 THE WITNESS: Oh.

14 A. Like I said, I seen it, like, as a

15 demotion, because the position was held by a

16 lower leveled person than the manager of fire

17 safety when he moved there. But it was a newly

18 drafted position or a newly created position

19 just for Matt.

20 So, again, I believe that was Mike's

21 way of shielding Matt from the deficiencies we

22 were -- that were about to -- and they weren't,

23 like, major or a lot of deficiencies, but it was

24 enough for him to want to start this

25 constructive firing of me, if you will. So he

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2 In fact, plaintiff had submitted to Defendant

3 Roche revised fire safety response procedures

4 several times prior to the 2021 -- excuse me,

5 the January 2021 fire. Each time Defendant

6 Roche had prevented plaintiff's suggestions from

7 circulating up the chain of command for feedback

8 and adoption.

9 I'll stop there. There's more in the

10 paragraph. What revisions did you make to fire

11 safety response procedures prior to January

12 2021?

13 A. Well, prior to January 2021, during my

14 initial retraining of the staff, I set clear

15 positions for the -- for the marshals to take

16 during fire alarm activations. So before I got

17 there, there was nobody -- they didn't have

18 clear directions from the previous leadership as

19 to who was going to respond where during an

20 alarm.

21 So I set up early, during the

22 beginning of every shift, we identified who was

23 going to be person to go to the fire alarm

24 panel, who was going to be the person to go to

25 the area of alarm activation, who was going to

<p style="text-align: right;">Page 306</p> <p>1 Pasquarello</p> <p>2 be person to go outside and meet the fire</p> <p>3 department and escort them into the building and</p> <p>4 then take them to the area where the activation</p> <p>5 is occurring.</p> <p>6 So those were never put in place.</p> <p>7 That's something I was able to do</p> <p>8 departmental-wise right away. I didn't need</p> <p>9 feedback really from anybody else. I identified</p> <p>10 the problem and I corrected it.</p> <p>11 Institution-wide, there was a problem</p> <p>12 with the institution. Public safety wasn't</p> <p>13 stopping people from coming in. Like, during an</p> <p>14 alarm activation public safety should limit</p> <p>15 access to the building to only first responders.</p> <p>16 They weren't doing that. They still don't do</p> <p>17 that. They're supposed to put -- take over the</p> <p>18 elevator. We don't have enough personnel to do</p> <p>19 it all the time, so part of their job should be</p> <p>20 elevator operations.</p> <p>21 All the trades should send at least</p> <p>22 one person to the fire alarm panel to provide</p> <p>23 their area of expertise. So in other words, if</p> <p>24 there's an electrical fire, we should have</p> <p>25 somebody from the electrical department that</p>	<p style="text-align: right;">Page 307</p> <p>1 Pasquarello</p> <p>2 would know how to isolate that equipment or that</p> <p>3 circuit so that we can safely control the fire.</p> <p>4 If there's a plumbing leak, gas, or something,</p> <p>5 somebody from plumbing should be there to know</p> <p>6 where the proper valves would be in the proper</p> <p>7 shutoffs for the area.</p> <p>8 So I drafted a brand-new plan that</p> <p>9 outlined every department and what they should;</p> <p>10 do in a fire response scenario. So within -- it</p> <p>11 also included in this case patient transport.</p> <p>12 Nursing administration. Because don't forget,</p> <p>13 we are working in the hospital. So if we're</p> <p>14 going to have to move people, we're going to</p> <p>15 have to move people.</p> <p>16 Somebody from respiratory should --</p> <p>17 should respond in an emergency because if</p> <p>18 there's people on oxygen, they are the ones that</p> <p>19 are going to have to either get cylinders up</p> <p>20 there or -- or make the determination, could</p> <p>21 this person be moved and how we're going to move</p> <p>22 them.</p> <p>23 So I put together this big detailed</p> <p>24 plan. I had meetings with the departments that</p> <p>25 we interacted with. So I had meetings with</p>
<p style="text-align: right;">Page 308</p> <p>1 Pasquarello</p> <p>2 facilities, so I had the meeting with plumbing,</p> <p>3 with HVAC, with electric, so they would</p> <p>4 understand what was coming down the pike. I</p> <p>5 had -- any feedback they might have had, John</p> <p>6 Barton took the lead in providing his feedback,</p> <p>7 so I took some of his suggestions and</p> <p>8 incorporated them.</p> <p>9 We discussed other things that he</p> <p>10 thought might not have been important. Some he</p> <p>11 seen my way. A couple of things I seen his way.</p> <p>12 I -- I couldn't give you exact examples right</p> <p>13 now, but it was a very good back and forth with</p> <p>14 John.</p> <p>15 And then it was ready to present up in</p> <p>16 to the -- that committee I told you before, that</p> <p>17 I'm a part of, where it had the -- the hospital</p> <p>18 leadership, Pat Lamb, Dr. Rich, emergency</p> <p>19 management, public safety, nursing, so we would</p> <p>20 have those meetings monthly. They kind of</p> <p>21 stopped during COVID because you couldn't be in</p> <p>22 the same room, and then they went remote.</p> <p>23 But I handed those -- those plans to</p> <p>24 Mike on several occasions and told him to --</p> <p>25 that I wanted to have this added to the agenda,</p>	<p style="text-align: right;">Page 309</p> <p>1 Pasquarello</p> <p>2 our department's agenda for the next meeting,</p> <p>3 and he just would not do it. It went on like</p> <p>4 that for months that he wouldn't do it.</p> <p>5 Then after the fire, I pointed out to</p> <p>6 him that a lot of the things I had in there</p> <p>7 would have made that go a lot smoother, because</p> <p>8 there -- there was room for improvement during</p> <p>9 that fire.</p> <p>10 Again, the fire department -- the</p> <p>11 lobbies were very congested. Public safety</p> <p>12 didn't stop entrance, so the first responders</p> <p>13 were moving around. They came in at shift</p> <p>14 change, so they were taking different elevators</p> <p>15 instead of one elevator. So the fire department</p> <p>16 got separated because public safety and fire</p> <p>17 safety took them up two different ways instead</p> <p>18 of coordinating one way. And these are things</p> <p>19 that could have been avoided if it was initially</p> <p>20 presented.</p> <p>21 I tried to present it again after that</p> <p>22 in the immediate after-action report, and Mike</p> <p>23 again refused saying that, This isn't the time</p> <p>24 to bring that out. Let's just show what we did,</p> <p>25 and then we'll do another meeting and ask for</p>

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2 the improvements later.

3 So that's why I told you earlier I had

4 drafted two, one with the proposed improvements

5 and then one that just really spoke about the

6 event. And that's -- that's what this paragraph

7 is all about.

8 Q. The -- are you done with your answer?

9 A. Yes.

10 Q. The third sentence of this paragraph

11 says: Time and again Defendant Roche refused to

12 move plaintiff's submissions forward in an

13 effort to prevent other people at Crothall and

14 Mount Sinai from recognizing plaintiff's

15 abilities.

16 How do you know that he intended to

17 prevent other people from recognizing you?

18 A. Because I think Mike is very -- I mean

19 we're here because I believe he is

20 discriminating against me because of my age

21 and -- and background. So, yeah, I don't think

22 he wanted people to know that that was coming

23 from me. I think he wanted him to be -- the --

24 the person that would present something that

25 would better the place, not -- not a subordinate

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2 would not present this for me.

3 Q. Because he didn't want other people to

4 recognize your abilities, right?

5 A. I believe that. That's what I

6 believe, yes.

7 Q. Okay. Did Mike Roche ever express to

8 you a disappointment or an issue with you not

9 attending meetings of the emergency committee?

10 A. Not the emergency committee, I

11 attended all those meetings.

12 Q. Were there meetings that you did not

13 attend that Mike Roche expressed some issue with

14 you not attending them?

15 A. There was one issue that Mike wanted

16 to make an issue that I didn't attend. He said

17 I didn't attend a medical gas shutdown meeting.

18 I sent the representative from the department to

19 that meeting. I don't remember if it was Matt

20 or -- or Ron, but either/or I had one of the

21 managers there.

22 And I told him, I said, This is a med

23 gas shutdown. I says, Fire safety's only role

24 in that is the ILSM, which is going to include

25 putting the elevator, carrying the cylinders

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2 of his.

3 Q. Did he tell you that that was his

4 intention?

5 A. No. His action said it.

6 Q. So this statement here, Time and

7 again, all the way to the end, that's

8 speculation on your part, right?

9 A. It's not speculation. Time and again

10 I asked him to present it, and he wouldn't

11 present it. That's all I'm saying here. I gave

12 him a very cohesive plan. It was reviewed by

13 facilities. It was reviewed by John for the

14 facilities part of it. So I knew the fire

15 safety part and the facilities part was solid.

16 Now we needed input from public safety

17 and -- and nursing, and -- and, you know, the

18 medical side of the hospital at that point. And

19 Mike refused to present it to the emergency

20 management committee, or whatever -- I'm drawing

21 a blank on what the actual committee's name is

22 that we would meet monthly.

23 But all those departments are in that

24 monthly meeting, and he did not want it

25 presented at that meeting through me. He just

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2 into independent mode. It's going to inquire --

3 require that the tanks be secured to the hand

4 trucks as they're moving through. And we're

5 going to place extra marshals throughout the

6 hospital in case anything happens.

7 I said, That's it. This is not a

8 meeting that I need to miss another meeting for.

9 And it came about after the fact. So I covered

10 the meeting. I was asked to attend five, six,

11 seven meetings a day. I attended as many as I

12 could. Mike's thing in my write-up that I'm not

13 attending meetings, that's misleading. I was

14 attending a half a dozen meetings almost a day.

15 If I missed one or two, they weren't meetings

16 that were -- they weren't -- I had to prioritize

17 the meetings I went to.

18 So to satisfy his PIP, I said, Mike,

19 what do you want me to do, just turn down these

20 meetings before I know, maybe the other one

21 ended early and I could run over there and make

22 an appearance? You know, because nothing was

23 ever done without me following up with the --

24 the person holding that meeting or presenting

25 any ILSMs that needed.

<p style="text-align: right;">Page 314</p> <p>1 Pasquarello</p> <p>2 So it wasn't -- again, it was just</p> <p>3 something to pad his write-up. It's not that I</p> <p>4 was missing critical meetings that put anybody</p> <p>5 or anything in that hospital at risk in any way.</p> <p>6 Q. Take look at paragraph 48. It's a</p> <p>7 long one, so I'll let you take a look at it</p> <p>8 yourself. Let me know when you're done.</p> <p>9 A. Okay.</p> <p>10 (Witness reviewing document.)</p> <p>11 A. Okay.</p> <p>12 Q. I want to focus on the last sentence</p> <p>13 of that paragraph: The fire safety department</p> <p>14 manages over 100 of these impairments every</p> <p>15 month.</p> <p>16 Sorry, the second-to-last sentence.</p> <p>17 And then the last sentence says: If</p> <p>18 plaintiff managed every impairment on his own,</p> <p>19 he would not be able to do any of his work as</p> <p>20 the head of fire safety.</p> <p>21 You see those two sentences?</p> <p>22 A. Yes.</p> <p>23 Q. Are those accurate?</p> <p>24 A. It's accurate in the sense that an</p> <p>25 impairment coordinator was a full-time job at</p>	<p style="text-align: right;">Page 315</p> <p>1 Pasquarello</p> <p>2 that hospital, yes.</p> <p>3 Q. Prior to -- strike that.</p> <p>4 Do you -- are you aware of whether</p> <p>5 Crothall has ever employed an impairment</p> <p>6 coordinator to handle the impairments?</p> <p>7 A. I don't know that. I do know that</p> <p>8 Crothall agreed to the position after hearing</p> <p>9 the proposal.</p> <p>10 Q. Who managed the impairments before</p> <p>11 you?</p> <p>12 A. Well, they weren't managed properly</p> <p>13 before me but that would have been Matt Bond in</p> <p>14 his tenure, and then Mark Matthews before him.</p> <p>15 Q. Was there a point in time during which</p> <p>16 Bob Shaffer was the only member of the fire</p> <p>17 safety department?</p> <p>18 A. Now, that's so misleading it's not</p> <p>19 even funny. Yeah, Bob Shaffer started the</p> <p>20 department there when it started. Bob knew</p> <p>21 he -- it wasn't a one-man job, and he hired</p> <p>22 two -- two managers to run it with him. His</p> <p>23 first one he managed was a retired battalion</p> <p>24 chief or deputy chief from New York City Fire</p> <p>25 Department. What was his name? Anyway.</p>
<p style="text-align: right;">Page 316</p> <p>1 Pasquarello</p> <p>2 He -- and then he was able to get a --</p> <p>3 another manager, and then it -- it grew from</p> <p>4 there. So, no, Bob Shaffer he admitted it to me</p> <p>5 himself, it was never a one-man department.</p> <p>6 Q. The second sentence that we read says,</p> <p>7 or starts: If plaintiff managed every</p> <p>8 impairment on his own.</p> <p>9 Let me stop there. At any point</p> <p>10 during your employment did you manage every</p> <p>11 impairment on your own?</p> <p>12 A. Yeah, there was times I was doing most</p> <p>13 of the impairments as I was training -- not</p> <p>14 most, all of the impairment as I went training</p> <p>15 the staff to be able to respond to these</p> <p>16 impairments.</p> <p>17 So, again, when we are going to impair</p> <p>18 a system, it needs a full understanding of what</p> <p>19 that impairment is going to affect and any means</p> <p>20 we need to do to mitigate any possible effects.</p> <p>21 That's the ILSM.</p> <p>22 So an impairment coordinator not only</p> <p>23 does he have to coordinate with the shop who is</p> <p>24 going to do the work, he needs to inspect the</p> <p>25 area, make sure that it's safe to conduct the</p>	<p style="text-align: right;">Page 317</p> <p>1 Pasquarello</p> <p>2 work that they're looking to conduct, an example</p> <p>3 with that would be hot works or something like</p> <p>4 that, and he also needs to be able to see what</p> <p>5 that impairment is going to affect, and what</p> <p>6 ILSM measures, if any, are needed to employ.</p> <p>7 So, yeah, being an impairment</p> <p>8 coordinator is a very important job. Now, when</p> <p>9 was made this suggestion, we were doing a lot of</p> <p>10 impairments. Now, don't forget, the hospital is</p> <p>11 under constant renovations, and we are in the</p> <p>12 midst of Joint Commission preparation. So it</p> <p>13 was even more impairments than would have</p> <p>14 normally been.</p> <p>15 So it -- it required somebody's full</p> <p>16 time attention to -- to -- to run those properly</p> <p>17 and to make sure that things went off smoothly</p> <p>18 and on time. So, yeah, it was a full -- an</p> <p>19 impairment pos -- for a hospital of that size,</p> <p>20 14, 15 buildings, and -- and all the work, I</p> <p>21 mean, it was a -- was it a couple million square</p> <p>22 feet, that hospital, needed a full-time</p> <p>23 impairment coordinator.</p> <p>24 And we presented it. We -- we gave</p> <p>25 them numbers. We gave them reasons. And Chris</p>

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2 and -- and Ron, not -- well, Ron helped me

3 present it. Chris, Bob, and even John Barton

4 all agreed that, yeah, that that would be a good

5 thing to help every -- everybody else. It would

6 make everything better if we could get an

7 impairment coordinator.

8 Q. I'm sure some part of that answer

9 answered the question I asked, but the answer

10 was so long, I don't remember if it did. We are

11 going to be here for a very long time if we're

12 going to do three pages of answers to one

13 sentence of question.

14 At any point during your 23 months of

15 employment at Crothall did you have a one-man

16 department in fire safety?

17 A. Yes.

18 Q. When?

19 A. My last three months there.

20 Q. So from June of 2021 to September of

21 2021 you were the only member of that

22 department?

23 A. Yes. When Omelfi left, I became the

24 only member of that department. I think Ron

25 left before her so that's when Omelfi left.

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2 operations of the department.

3 Q. Look at paragraph 60. It says: On

4 May 7, 2021, plaintiff discovered that Defendant

5 Roche had not only prevented others from

6 recognizing plaintiff's skill, but he was also

7 denigrating plaintiff in front of other Crothall

8 employees, including Mr. Shaffer.

9 You see that?

10 A. Yes.

11 Q. How did you discover that Mr. Roche

12 was denigrating you?

13 A. Well, when somebody says, I always

14 have to defend you, that doesn't mean somebody

15 is talking good about you. So I'm assuming, you

16 know, guys like Chris Hariegal, he's never on

17 site so he only knows what somebody like Mike

18 tells him.

19 So if you're going to come here and

20 think there's something missing when all the

21 measurable parts of the department have been

22 better since I'm there and you're going to

23 believe it, it has to be bad talk from the

24 person you're listening to. So that -- that's

25 where that comes from.

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2 Q. From --

3 A. And I never really had Omelfi so even

4 longer than that.

5 Q. From October of 2019 until whenever

6 Omelfi left, whether it was in June 2021 or some

7 other date, there were at least two members of

8 the fire safety department; is that right?

9 A. For that 11 months it was me and Matt,

10 and then when -- Matt left right after Ron came

11 in, when -- then there was -- I don't even know

12 if it was a month when Ron and Omelfi were

13 together. But like I said, I never really had

14 Omelfi. Omelfi was still busy training Matt for

15 his new position and training Mario for his

16 position, which was the replacement for Omelfi.

17 So I never really had her working as a

18 manager. She was really only helping at that

19 point get TeamDocs and -- and the books up to

20 date, really the -- the inventories we were

21 working on together.

22 So, yeah, I ran that department alone

23 I would say from the time Ron left, you know --

24 not to say Omelfi's help wasn't warranted, but

25 it was -- had nothing to do with the day-to-day

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2 Q. I don't think that answered my

3 question. How did you discover that Mr. Roche

4 was denigrating you?

5 A. When Bob Shaffer says, I always have

6 to defend you from him. So that -- those were

7 the words that made me know he's talking,

8 denigrating me, you know, to others.

9 Q. What did Mike Roche say that was

10 denigrating about you?

11 A. I don't know. All I know is that, you

12 know, somebody is saying he has to defend me.

13 And when you read his answer, he -- he answers

14 that most of what I'm saying is right. So I

15 don't know exactly what he was saying behind my

16 back.

17 Q. Did you ask what he was saying that

18 denigrated you?

19 A. Probably not at that point. I don't

20 recall.

21 Q. Did you ask at any point?

22 A. Not I -- I don't recall.

23 Q. Mr. Shaffer was the head of fire

24 safety; is that right?

25 A. Mr. Shaffer was the head of systems,

<p style="text-align: right;">Page 322</p> <p>1 Pasquarello</p> <p>2 as far as -- is what I believe his title was</p> <p>3 when I was there.</p> <p>4 Q. The system director of fire safety,</p> <p>5 right?</p> <p>6 A. If that -- if that's -- yeah, if</p> <p>7 that's his title, that's his title.</p> <p>8 Q. Do you believe it's inappropriate for</p> <p>9 your manager to speak with the system director</p> <p>10 of fire safety about your performance as an</p> <p>11 assistant director of fire safety?</p> <p>12 A. If he's talking truthful and honest,</p> <p>13 no. But if he's making, you know, denigrating</p> <p>14 and derogatory statements that aren't true,</p> <p>15 yeah, it's a problem. And I know the statements</p> <p>16 he was making is not true, so, yeah, there was a</p> <p>17 problem with that.</p> <p>18 Q. Didn't you tell me a moment ago that</p> <p>19 you have no idea what Mr. Roche was saying that</p> <p>20 was denigrating to you?</p> <p>21 A. I know what I was told from</p> <p>22 Mr. Shaffer is that I was missing deadlines</p> <p>23 and -- and I was missing work, which I -- the</p> <p>24 paperwork shows I didn't miss anything.</p> <p>25 Q. What else did Mr. Shaffer tell you</p>	<p style="text-align: right;">Page 323</p> <p>1 Pasquarello</p> <p>2 about what Mr. Roche was saying to denigrate</p> <p>3 you?</p> <p>4 A. I don't recall. That's what I recall.</p> <p>5 Q. Is it inaccurate that you have missed</p> <p>6 deadlines? It's yes or no? Is it inaccurate</p> <p>7 that you missed work?</p> <p>8 A. Yes. That's definitely inaccurate. I</p> <p>9 didn't miss any work.</p> <p>10 Q. Paragraph 61 says: On May 10,</p> <p>11 plaintiff questioned Defendant Roche about</p> <p>12 disparaging comments he made to Mr. Shaffer.</p> <p>13 What specifically did you say to</p> <p>14 question Defendant Roche about disparaging</p> <p>15 comments he made?</p> <p>16 A. I asked him what did Bob mean that he</p> <p>17 always has to defend me.</p> <p>18 Q. Anything else that you did to question</p> <p>19 Mr. Roche about disparaging comments?</p> <p>20 A. That -- that's all I recall.</p> <p>21 MS. SELIGER: I'm not at all trying to</p> <p>22 rush you. I just was wondering if you have</p> <p>23 any sense of how much more you have?</p> <p>24 MR. CLARK: It largely depends on the</p> <p>25 answers. I really don't have all that many</p>
<p style="text-align: right;">Page 324</p> <p>1 Pasquarello</p> <p>2 questions. But based on the answers I'm</p> <p>3 hearing, it could be another 60 minutes or</p> <p>4 so. It depends -- largely depends on the</p> <p>5 answers I think.</p> <p>6 Q. Take a look at paragraph 70. It says:</p> <p>7 Plaintiff pointed out to Defendant Roche that he</p> <p>8 was treated differently than his younger</p> <p>9 counterparts and also held to a different</p> <p>10 standard in terms of work performance. In</p> <p>11 response, Defendant Roche made clear to</p> <p>12 plaintiff that his days in fire safety were</p> <p>13 number -- were numbered.</p> <p>14 Excuse me. You see that?</p> <p>15 A. Yes.</p> <p>16 Q. How did Defendant Roche make clear to</p> <p>17 you that your days in fire safety were numbered?</p> <p>18 A. He said to me he doesn't see me</p> <p>19 lasting there more than sixth months.</p> <p>20 Q. When was this conversation?</p> <p>21 A. That was the conversation that was</p> <p>22 right after Bob Shaffer called me and right</p> <p>23 before he wrote me up.</p> <p>24 Q. Sometime in May or June of 2021?</p> <p>25 A. Yes. If that -- if that's when that</p>	<p style="text-align: right;">Page 325</p> <p>1 Pasquarello</p> <p>2 all happened, yes. I think we read before, it</p> <p>3 might have been the May 10th, but I could be</p> <p>4 just confusing two documents.</p> <p>5 He also said he had no intentions of</p> <p>6 firing me but he doesn't see me there after</p> <p>7 six months. Maybe he could get me transferred,</p> <p>8 which was starting to fit the MO I seen he did</p> <p>9 to Joe Jerrain, even though it was me that, you</p> <p>10 know, pushed for Joe to get transferred and not</p> <p>11 fired. And it also -- be -- he also said that</p> <p>12 he doesn't --</p> <p>13 Q. I don't think there's a question</p> <p>14 pending. Are you answering a question I've</p> <p>15 asked?</p> <p>16 A. Well, I'm answering the rest of that</p> <p>17 point.</p> <p>18 Q. Okay. You can continue.</p> <p>19 A. You know, he said my days were</p> <p>20 numbered, and I asked him, What do you mean that</p> <p>21 they're numbered? That's what you asked me. He</p> <p>22 said six -- I don't see you here more than six</p> <p>23 months. I don't see how anything is going to</p> <p>24 change. But I'm not firing you. Maybe we'll</p> <p>25 transfer you.</p>

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2 I mean, that -- that was leaving a big

3 question mark over everything. You're not

4 firing me but you don't see me here in six

5 months. I mean, that's talking out of both

6 sides of your face.

7 Q. Take a look at paragraph 97. It

8 refers to Defendant Roche's demotion of you.

9 You see that?

10 A. Yes.

11 Q. Between the time you started your

12 employment and the time you separated your

13 employment, did your title ever change?

14 A. No.

15 Q. Between the time you started your

16 employment and the time you separated your

17 employment, did your salary ever decrease?

18 A. No.

19 Q. Between the time you started your

20 employment and the time you separated your

21 employment, did your work location ever change?

22 A. No.

23 Q. Between the time you started your

24 employment and the time you separated your

25 employment, did any aspect of your duties

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1 Pasquarello

2 position would change from assistant director to

3 manager?

4 A. No, what Bernie Nunez told me was my

5 role was changing. My title was staying the

6 same. But just because my title stood the same

7 and now I was doing the manager's work and he

8 was going to take over the director's work,

9 yeah, that -- that's in essence a demotion even

10 if it's not in title or salary.

11 Q. Do you recall when Mr. Nunez started

12 as the director of fire safety at the Mount

13 Sinai Hospital?

14 A. I don't remember the date. I do

15 remember he came in and introduced himself, but

16 he never really started while I was there.

17 Q. So as of September 2021 when you

18 separated, he was not yet employed at the Mount

19 Sinai Hospital?

20 A. No, I didn't say that. I said he

21 wasn't assuming the responsibilities of the

22 director of our department. He was -- I don't

23 know what he was doing. He said he was helping

24 out other departments -- other hospitals for

25 their Joint Commission surveys, readiness, so

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2 change?

3 A. I left before I can answer that

4 question. So when I left, I was running the

5 department by myself, so I was still the

6 de facto director of that department. The

7 director that was coming in had the same exact

8 job title, or -- yeah, job description, not job

9 title, job description as mine.

10 So I don't know what was going to

11 change, but obviously my duties were going to

12 have to change if he was doing the same duties I

13 was just doing. So it became clear that even

14 though I was going to still be called an

15 assistant director, I was being denoted down to

16 one of the manager's positions. Which one I

17 don't know. Well --

18 Q. Did any --

19 A. -- I do know, because Bernie asked me

20 which one did I want to do. He asked me if I

21 wanted to be the administrative manager or go

22 upstairs and work with the -- the marshals

23 directly. So, yeah, it was clear that I was

24 losing my responsibilities.

25 Q. Did anybody tell you that your

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1 Pasquarello

2 he -- he was, like, helping out other -- other

3 places is what he told me.

4 So he -- he and I never really worked

5 together. It was a couple -- it was days at the

6 most. I -- I don't remember exactly how long,

7 but Bernie and I didn't really work together as

8 director and assistant director or manager.

9 Q. As of September 21, 2021, were you

10 still performing the duties as the assistant

11 director of fire safety?

12 A. Yes, I was.

13 Q. What damages do you claim you've

14 suffered as a result of the discrimination and

15 retaliation that you allege in your complaint?

16 A. Physical sickness at the time,

17 palpitations, IBS. Loss of my reputation in the

18 field, at least at that hospital, and anybody

19 else Mike was talking to.

20 Q. Anything else?

21 A. Not -- not that I recall at this

22 point. I mean, that's the main things that got

23 me.

24 Q. You said loss of your reputation. Did

25 anybody ever tell you -- strike that.

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1 Pasquarello

2 Related to your loss of reputation,

3 did anybody ever say to you that Mr. Roche had

4 made comments about you after you separated from

5 your employment?

6 A. After I -- no, nobody said anything.

7 I haven't had contact with any of his inner

8 circle since I left there.

9 Q. Did anybody ever say to you anything

10 that suggested that you no longer had the

11 reputation you previously had after you

12 separated from your employment?

13 A. It -- it -- to be pushed down in front

14 of everybody the way it happened, yeah, it -- it

15 hurt within that group my standing as an

16 experienced fire safety professional. It -- you

17 know, they -- they, in Chris' words, rather have

18 the administrator over the -- the safety

19 professional. And I took that as a slight to --

20 to my reputation in both sides of the -- the

21 field, if you will.

22 Q. Chris told you they would rather have

23 an administrator than a fire safety

24 professional?

25 A. Yeah. I asked him straight out. I

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1 Pasquarello

2 starting your employment at Crothall?

3 A. No, never had a problem.

4 Q. When is the first time you were

5 diagnosed with IBS?

6 A. When I went to -- to my doctor with

7 the second time, and they changed my -- my

8 medicine for the hot -- my blood pressure was

9 up. So I told him about my stomach, and I don't

10 even know if it was a full diagnosis. He said,

11 Ah, it's just a touch of IBS. Are you under

12 stress? And then I told him what was going on,

13 and he says, That makes sense.

14 Q. When was that?

15 A. Probably June, July of -- what was

16 that, '21?

17 Q. And who was the doctor who told you it

18 was a touch of IBS?

19 A. Dr. Ceka. He was my cardiologist on

20 Staten Island.

21 Q. Did Dr. Ceka provide -- prescribe you

22 any medications for your IBS symptoms?

23 A. They gave me, like, a -- yeah, it was

24 a medicine to -- to, like, help you calm down,

25 but I -- I didn't take it. I didn't -- I don't

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1 Pasquarello

2 said, why would -- I never had a full staff.

3 Why is Bernie coming as the full director? And,

4 you know, I said, What's his experience in fire

5 safety? So he says, There's nobody questioning

6 your experience with fire safety. You're

7 certainly more experienced than he is there, but

8 he's more -- what the -- the Crothall way.

9 So my question then was, so why isn't

10 he coming as my assistant to help me get this

11 department fully on track? The only thing

12 that's lacking here, if it is, in fact, lacking,

13 is the administrative portion of the job. So

14 you're going to put somebody with no practical

15 experience in the field of emergency management,

16 risk assessments, fire safety, life safety,

17 first responder, a step below the guy who knows

18 how to run TeamDocs? Which you never gave me

19 the full training in?

20 So, yeah, that -- that's not good.

21 It's not -- I didn't find it right, and I

22 thought it was based on the disparaging remarks

23 that he must have been getting from Mike Roche.

24 This is why we're here.

25 Q. Did you suffer from IBS before

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1 Pasquarello

2 believe in taking that kind of pills. But he --

3 he did give me, like, some kind of -- I don't

4 remember the name of the prescription. I just

5 never took it. I never filled it either. But

6 he prescribed something that would supposedly

7 calm me down and relieve it, but I -- I don't

8 take anything that would alter anything.

9 Q. What specific symptoms of IBS did you

10 have beginning in 2021?

11 A. Stomach pains, diarrhea, you know.

12 Every time I got into work I felt my stomach was

13 flipping upside down.

14 Q. Do you still suffer from IBS?

15 A. I'm -- no, I'm -- I'm feeling better

16 with that.

17 Q. When did you start feeling better?

18 A. When I got out of that environment.

19 Q. How long after leaving Crothall did

20 you start feeling better?

21 A. I would say months, maybe six months.

22 Q. You said you suffer from heart

23 palpitations?

24 A. This is only about six. About four

25 months, five months it took me.

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1 Pasquarello

2 Q. You said you suffer from heart

3 palpitations; is that right?

4 A. Yeah. There was days I was at work,

5 my chest was pounding. My head was spinning.

6 It felt like everything was closing in around

7 me. I went from --

8 Q. Prior --

9 A. -- ER one day for it, and then I went

10 to my own doctor after that another time.

11 THE COURT REPORTER: I believe there

12 was a part of that answer I'm sorry I

13 didn't hear. I went from something, and

14 then you said, I went to my own doctor

15 after that?

16 A. I went to the emergency room one day

17 at work when I was feeling that way. That was,

18 I think, in June. And then it happened again in

19 July, and that's when I went to my own doctor.

20 THE COURT REPORTER: Thanks.

21 Q. Prior to your employment at Crothall

22 had you ever had heart palpitations before?

23 A. No. Well --

24 Q. Did you have --

25 A. -- I went through a period after 9/11

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1 Pasquarello

2 Q. When did you retire?

3 A. 2003.

4 Q. When did you start looking for a new

5 job while you were employed at Crothall?

6 A. I didn't look for a new job. I was

7 getting ready to -- to leave. I felt like I was

8 being forced out, and I don't want a blemish on

9 my record to -- to have somebody, you know, fire

10 me. It just was coincidental that I was given a

11 call from an old colleague that had an opening

12 at Columbia University.

13 And I interviewed. I was given the

14 offer. It was a step backwards for me at that

15 point in my career, but I felt it was worth --

16 worth it for my health and my reputation to --

17 to leave at that point, so I went to Columbia.

18 Q. Who is the former colleague who called

19 you about the job?

20 A. Oh, man. Give me one second. I don't

21 know how in the world I'm drawing a blank on --

22 Paul -- Paul Girardi. Paul Girardi was the

23 director of -- of the program, and I became the

24 manager in the Manhattanville campus.

25 Q. And when did Mr. Girardi first call

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1 Pasquarello

2 where I didn't feel good, I was injured at the

3 Trade Centers, so, yeah, there was times I -- I

4 was sick. So -- but other than that, I was

5 always in good health. So the only medical

6 problems I had with -- with my heart and lungs

7 was an injury that we can document, we know

8 where it came from.

9 Q. That was related to 9/11?

10 A. Yeah, I was -- I was on scene, I was

11 caught in the collapse of both towers actually

12 that day. So I wound up getting some lung

13 injuries, and then -- so my lungs don't fully

14 function as pro -- you know, as they should, but

15 they thought it was the heart and then they

16 found out that it wasn't my heart. It was my

17 lungs causing the palpitations.

18 Q. Did you see the FDNY doctor about that

19 condition sometime after 9/11?

20 A. I see them every year.

21 Q. Are you on a three-quarter disability

22 pension right now?

23 A. I am. That was the pension you asked

24 my other income earlier, it's a three-quarter

25 disability pension from the fire department.

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1 Pasquarello

2 you about the job at Columbia?

3 A. Couple of weeks before I took it.

4 Maybe -- it only took about two weeks to get

5 on-boarded there, so it was pretty quick.

6 Q. Was that sometime in August or

7 September of 2021?

8 A. I would think September because I

9 started in October, so it was mid-September he

10 called me.

11 Q. At any point in 2021 did you apply for

12 any other positions, other than the position

13 that you eventually took at Columbia?

14 A. No.

15 Q. Have you ever sought treatment, either

16 psychiatric or psychological or from a social

17 worker, for mental health condition?

18 A. Well, during our 9/11 physicals every

19 year, part of that is a mental health survey, so

20 you do talk to the social worker every year.

21 But I've never been under treatment from a --

22 from a social worker or psychiatrist or anything

23 like that, if that's what you're asking. I'm

24 not sure if I answered -- if I understood the

25 question fully.

<p style="text-align: right;">Page 338</p> <p>1 Pasquarello</p> <p>2 Q. Did you seek treatment for any</p> <p>3 emotional distress that you suffered as a result</p> <p>4 of any actions by anybody at Crothall?</p> <p>5 A. No.</p> <p>6 Q. Did you discuss your mental health</p> <p>7 with Dr. Ceka?</p> <p>8 A. Not at this particular time, no, but</p> <p>9 Dr. Ceka knows my -- my history. I -- he's been</p> <p>10 my doctor for a long time, so he knows what I</p> <p>11 went through after the 11th.</p> <p>12 Q. When is the last time you saw an FDNY</p> <p>13 doctor?</p> <p>14 A. It was a couple of months ago. As a</p> <p>15 matter of fact, I have all my follow-up</p> <p>16 appointments I have to do, so it was recent.</p> <p>17 What is this now? September? I could get you</p> <p>18 the exact date if you need it. It was a few</p> <p>19 months ago.</p> <p>20 Q. You won't need to.</p> <p>21 RQ MR. CLARK: Let me make a request on</p> <p>22 the record. I don't think we've gotten it</p> <p>23 and I'm happy to be corrected if we have,</p> <p>24 but we'll need a HIPAA authorization for</p> <p>25 the FDNY medical file. I'll follow up in</p>	<p style="text-align: right;">Page 339</p> <p>1 Pasquarello</p> <p>2 writing on that.</p> <p>3 MR. CLARK: All right. Let's take</p> <p>4 five. I am hopeful that we are close to</p> <p>5 wrapping up to -- Mr. Pasquarello and</p> <p>6 everybody on the call, but let me take five</p> <p>7 to go over my notes, and then we'll come</p> <p>8 back.</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 5:39 p.m., and we are going off the record.</p> <p>11 (Recess from 5:39 to 5:45.)</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 5:45 p.m., and we are back on the record.</p> <p>14 Q. Mr. Pasquarello, welcome back from the</p> <p>15 break. Earlier we talked about other sources of</p> <p>16 income that you currently received -- do you</p> <p>17 currently receive Social Security disability</p> <p>18 insurance?</p> <p>19 A. No.</p> <p>20 Q. Okay. Have you applied for Social</p> <p>21 Security disability?</p> <p>22 A. When I first retired, I did, but I --</p> <p>23 when I didn't get it, I went back to work.</p> <p>24 Q. So you applied but it was denied?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 340</p> <p>1 Pasquarello</p> <p>2 MR. CLARK: Okay. I do not have</p> <p>3 further questions at the moment. I am</p> <p>4 going to reserve the right to recall you</p> <p>5 based on some documents that I don't know</p> <p>6 that we have gotten, particularly the --</p> <p>7 the HIPAA authorization for your FDNY</p> <p>8 medical records, which do have some</p> <p>9 relevant information in them. So hopefully</p> <p>10 we don't need to recall you. I am</p> <p>11 reserving the right on the record. And I</p> <p>12 will turn it over to Ms. Seliger if she has</p> <p>13 questions.</p> <p>14 MS. SELIGER: Okay.</p> <p>15 EXAMINATION BY MS. SELIGER:</p> <p>16 Q. I'm going to ask just a very few</p> <p>17 amount of questions.</p> <p>18 Mr. Pasquarello, I just want to go</p> <p>19 back to very early today you were answering</p> <p>20 questions about who your boss or supervisor was.</p> <p>21 And I believe at one time you said Bob Shaffer</p> <p>22 was the boss, and another time you said Mike</p> <p>23 Roche was the boss. Can you clarify what you</p> <p>24 meant?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 341</p> <p>1 Pasquarello</p> <p>2 MR. CLARK: Objection to form.</p> <p>3 A. I know that Mike Roche is my direct</p> <p>4 supervisor. I report directly to Mike. I do</p> <p>5 know that I -- I had the assumption based on</p> <p>6 systems fire safety -- you know, director of</p> <p>7 systems and that he was the final say or the</p> <p>8 final interview. I believe Bob is higher on</p> <p>9 the -- the chain of command, if you will, than</p> <p>10 Mike was. I could have been wrong about that,</p> <p>11 but that was my impression of Bob all along.</p> <p>12 But I know Mike Roche is my direct supervisor.</p> <p>13 He's always been.</p> <p>14 Q. Okay. During one of the breaks you</p> <p>15 just let me know a correction regarding</p> <p>16 depositions, Shaun asked you if you had been</p> <p>17 deposed. Can you make any corrections about</p> <p>18 times you've been deposed. I don't -- I can</p> <p>19 rephrase that question.</p> <p>20 Was there a time you were deposed that</p> <p>21 you didn't mention on the record?</p> <p>22 A. I didn't -- I was deposed for the 9/11</p> <p>23 Victims Compensation Fund, so that -- that was</p> <p>24 probably the first deposition I ever did. So</p> <p>25 that was back in 2002.</p>

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2 Q. Okay.

3 A. But I didn't remember that one as a

4 deposition but it was.

5 Q. At some point today you discussed

6 meeting with Mike Roche for one-on-ones. Do you

7 recall whether or not he took notes during those

8 meetings?

9 A. Yes. Mike took notes in all the

10 meetings.

11 Q. You saw him taking notes?

12 A. Yes.

13 RQ MS. SELIGER: Okay. I am going to note

14 that we requested those documents, and we did not

15 receive notes from one-on-ones.

16 Q. When you -- when you met with Pat

17 Lizarazo any -- any of times you described

18 today, did you see her taking notes?

19 A. Yes. She took copious notes. Pat

20 took a lot of notes while we were talking.

21 RQ MS. SELIGER: Okay. I'm also going to

22 note for the record that we're going to request

23 the production of those notes.

24 Q. You mentioned today that you saw

25 Dr. Ceka at various points during your tenure

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1 Pasquarello

2 discretionary budget?

3 A. When I asked -- after the Joint

4 Commission decision Chris was at the office. I

5 asked him to come to my office, we could talk,

6 and I reiterated a lot of what was spoken about

7 here. And the -- the computer monitor was the

8 main thing I was talking about.

9 When he said, Well, what did you even

10 go to him for? You have your own fund. Why

11 didn't you just buy it? And I told him straight

12 out, I said, Chris, this is the first time I am

13 hearing I ever had my own fund that -- that was

14 to my discretion, so I call it a discretionary

15 fund. And he said that I absolutely did, and

16 that I -- I said, Well, nobody ever told me that

17 I had it. And -- I would have had that monitor

18 very -- you know, within the first couple of

19 months of being there if I knew that.

20 MS. SELIGER: So that's it for my

21 questions, but Shaun does have an

22 opportunity to follow up.

23 MR. CLARK: And of course, questions

24 beget more questions, so we will see if we

25 can do these fast, Mr. Pasquarello.

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2 with Crothall. When you saw him, did you talk

3 about stress at work?

4 MR. CLARK: Objection to form.

5 A. I did. Like I said, after I went --

6 it was around July, I went in, I wasn't feeling

7 well. My -- I was -- like I said, I was getting

8 chest pains. Seeing that my blood pressure was

9 a little high, they -- they prescribed a second

10 medication. I told him about the stress and how

11 my stomach was upset, and he, like I said

12 earlier, prescribed another medication. It's

13 supposed to be like a relaxer. That one -- I

14 don't take that kind of medicine, so I never

15 filled the prescription, but it was prescribed.

16 And then he gave me some tests, you

17 know, like they -- they always do, EKG and

18 whatnot. Thank God everything was okay. It was

19 just the -- you know, we thought it was the

20 stress.

21 Q. At one point during today's deposition

22 you mentioned a conversation with Chris

23 Hariegal -- I'm not sure if I'm pronouncing that

24 right -- about having a discretionary budget.

25 What did Mr. Hariegal tell you about a

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2 EXAMINATION BY MR. CLARK:

3 Q. Did you ever ask if you had a

4 departmental discretionary budget?

5 A. No, I didn't ask that.

6 Q. You said you saw Mr. Roche take notes

7 at your one-on-one meeting. Were those

8 handwritten notes or computer notes?

9 A. Handwritten.

10 Q. Any idea what he did with those

11 afterwards?

12 A. Yeah, they were in his bottom -- as he

13 is sitting at his desk, bottom right-hand

14 drawer.

15 Q. Was it in a -- a spiral notebook or --

16 A. No, it was in a file. He would do it

17 on -- on single sheets of paper. And then when

18 I would come back the following week, he would

19 take out the week earlier's notes, put them

20 down, we would go over what he said in those as

21 he was writing new notes, and then put the

22 two -- so he would always wind up putting two

23 sheets back, take the one sheet out, two sheets

24 back, one sheet out, that -- that was the -- the

25 normal -- the way the meetings went.

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1 Pasquarello

2 Q. Did you ever review those handwritten

3 notes that he wrote?

4 A. Did I? To say did I take them and

5 review them? No. He -- he would take them out

6 and then review what we spoke about.

7 And -- and something that -- else

8 wasn't mentioned, I would hand him sometimes an

9 agenda like what I did. I would put it down in

10 writing, and he would put that with his -- and

11 you know, sometimes he would take notes right on

12 my notes.

13 Q. Did you save a copy of the agendas

14 that you prepared for those meetings?

15 A. They were in my old computer but I --

16 I didn't have that backed up like that, so I

17 don't have that.

18 Q. The old computer that you had, is that

19 your personal computer or work computer?

20 A. That was the -- the computer at work,

21 sorry.

22 Q. You had a computer at work; is that

23 right?

24 A. Yeah, my desktop. So I would type it

25 up on the desktop, go into his office, hand it

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1 Pasquarello

2 Q. Do you recall if you submitted medical

3 records -- strike that.

4 Let me ask this question first. Were

5 you a party in that lawsuit?

6 A. Yes.

7 Q. Do you recall if you submitted medical

8 records in connection with that lawsuit?

9 A. Yes.

10 Q. You did submit medical records?

11 A. I'm sure -- yeah, I'm sure they --

12 they have my medical records. It was based off

13 of the lung injury I received.

14 Q. Do you recall if you signed a -- a

15 HIPAA authorization for the release of your

16 records in that case?

17 A. That's -- it's a long time. I don't

18 remember if I did anything with HIPAA back then.

19 MR. CLARK: Okay. All right. I have

20 no further questions at this time. You'll

21 see this as a dance, so I get to turn it

22 back over to Ms. Seliger, who can follow

23 up, or we might be done.

24 MS. SELIGER: We're done.

25 MR. CLARK: Great.

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1 Pasquarello

2 to him, and, you know, I would remember what he

3 said, go back, put notes on to the computer, and

4 then that's what my checklist would have been.

5 But -- yeah, so the -- the original notes, those

6 still are mine. I had a copy in the computer

7 but I don't have the computer.

8 Q. I think you said that Pat Lizarazo

9 also took notes, I think you said copious notes.

10 Were those handwritten or computer?

11 A. Handwritten and those were in a

12 notebook.

13 Q. Did you ever review those notes?

14 A. Her notes? No.

15 Q. How do you know she took copious

16 notes?

17 A. As we were talking she was writing.

18 It was almost like a stenographer, she -- she

19 wrote a lot.

20 Q. Did you ever ask her for a copy of

21 those notes?

22 A. No, I didn't.

23 Q. You said you were deposed in the 9/11

24 Victim Compensation Fund; is that right?

25 A. For -- yes.

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1 Pasquarello

2 THE VIDEOGRAPHER: This concludes our

3 deposition of Joseph Pasquarello. The time

4 is 5:57 p.m., and we are going off the

5 record.

6 (Time noted: 5:57 p.m.)

7

8

9

10

11

12 -----

13 JOSEPH PASQUARELLO

14 Subscribed and sworn to before me

15 this day of 2022.

16

17

18

19

20

21

22

23

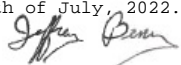
24

25

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C E R T I F I C A T E

STATE OF NEW YORK)
) Ss.:
 COUNTY OF NEW YORK)
 I JEFFREY BENZ, a Certified Realtime
 Reporter, Registered Merit Reporter and
 Notary Public within and for the State of
 New York, do hereby certify:
 That JOSEPH PASQUARELLO, the witness
 whose examination is hereinbefore set
 forth, was duly sworn by me and that this
 transcript of such examination is a true
 record of the testimony given by such
 witness.
 I further certify that I am not
 related to any of the parties to this
 action by blood or marriage; and that I am
 in no way interested in the outcome of this
 matter.
 IN WITNESS WHEREOF, I have hereunto
 set my hand this 27th of July, 2022.



 JEFFREY BENZ, CRR, RMR

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Exhibit 9	Associate Counseling Report dated July 19, 2021, bearing Bates stamp CH 1697	214	13
Exhibit 10	One-page document bearing Bates stamp CH 1745	221	6
Exhibit 11	Memo to Joseph Pasquarello from Michael Roche dated September 20, 2021, re completion of performance improvement plan bearing Bates stamp CH 1250 to 1251	224	21
Exhibit 12	One-page document dated September 21, 2021 to Mike Roche and Bernie Nunez from Joseph Pasquarello, subject Letter of Resignation, bearing Bates stamp CH 1637	228	13
Exhibit 13	Four-page document dated May 26, 2021, bearing Bates stamp CH 928 through CH 931	265	7
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 DOCUMENTS AND/OR INFORMATION REQUESTED:
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Exhibit 2	Series of emails bearing Bates stamp CH 1233 through CH 1236	95	9
Exhibit 3	Emails and attachments bearing Bates stamp CH 1223 through CH 1231	122	22
Exhibit 4	Multi-page email bearing Bates stamp CH 1247 through CH 1249	134	17
Exhibit 5	Year End Process bearing Bates stamp CH 1677	153	5
Exhibit 6	Series of emails bearing Bates stamp CH 1277 through 1279	169	17
Exhibit 7	Associate Counseling Report bearing Bates stamp CH 1691	189	12
Exhibit 8	June 1, 2021 performance improvement plan bearing Bates stamp CH 1693 through CH 1695	211	11

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ERRATA SHEET

Case Name:
 Deposition Date:
 Deponent:

Pg.	No.	Now Reads	Should Read	Reason
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7	---	---	---	---
8	---	---	---	---
9	---	---	---	---
10	---	---	---	---
11	---	---	---	---
12	---	---	---	---
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15	---	---	---	---
16	---	---	---	---
17	---	---	---	---
18	---	---	---	---
19	---	---	---	---

 Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME
 THIS ____ DAY OF _____, 2022.

 (Notary Public) MY COMMISSION EXPIRES: _____

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